

S Polit. Pamphl. vol. 88.

LIBERTY Restored

TO

GREAT BRITAIN

By the PROTESTANT SUCCESSION
in the most Illustrious House of
HANOVER.

BEING AN

Historical Account of the CONSTITUTION,
LAWS, RIGHTS, and PRIVILEGES of
this Realm.

WHEREIN

The Authority of the PRINCE, and the Allegiance
of the SUBJECT are fully set in a Just and
Clear Light.

Collected from the best Authorities.

Kings may do Good, at their full stretch of Will,
The Law restrains them but from doing Ill.

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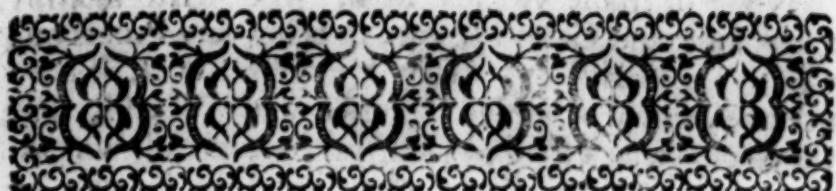
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T. O

Great Britain.



HE many open, as well as violent Attacks, that have been lately made upon our Constitution, by the Enemies to the *Protestant Succession*, have made it absolutely necessary, especially at this Time, to rescue our wholesome Laws from the base Misconstructions of some late Writers, and more particularly from the Treasonable Insinuations in the Book intitul'd, *The Hereditary Right of the Crown of England asserted*. There appears such a solemn Face

of

of Antiquity in this Author's Quotations of Records, and so much Sophistry in his Reasoning, that 'tis neither impertinent nor needless to expose him in both.

None of those Wicked Men, who write against their King and Country, care to bring any Proofs out of our Saxon History. They know full well, if they are acquainted with the Histories of the World, that the *Saxon* was a *Gothick Constitution*, which was always mix'd and Elective, of which I might give so many Instances in our own *Annals*, that would clear this Matter; but those Instances are so well known, that 'tis indeed already out of debate with all reasonable People. The *Saxons* then, as well as the *Poles* since, and the *Swedes* and *Danes* (till by the Artifices of Ambitious Men, they lost their Liberties) for the most part preferr'd the next in Blood, (as it will be found the Interest of all Monarchies to practise;) but they did not confine themselves to Proximity, nor thought themselves ty'd up by Divine or Human Laws, not to change the *Possessor* or *Successor* to secure their Religious Liberties and Properties. Not to mention the Alterations made in the Succession to the Crown during the *Heptarchy*, let us look a little into the History of *Hereditary Right* during the *Saxon* Monarchy.

The Oath taken by the *Saxon* Kings at their Coronation, shews the Tenor of their Hold, better than a thousand Histories. It was this, *viz.*

That they would maintain the Holy Christian Faith with all their Power, and govern their People according to Right, without regard to any Person; and that they should be liable to suffer Right (i. e. Judgment) as well as others of their People.

(1) To begin with *Egbert* first Monarch of *England*, and the only surviving Prince of the Royal Race of the *Saxon*

(1) *Egbertum solum regalis prosapia superstitem.*

Saxon Kings, as *William of Malmesbury* says, he is not said to have succeeded *Brithric* his Predecessor, but to be ordain'd King, according to the Historian *Ethelward* (2).

His Eldest Son *Ethelwolph* did not succeed him in all his Possessions, which he must have done, had they been held by a *Divine, Unalienable, Indefeasible Right*; for the Kingdoms of *Kent, Sussex, and East Sexe*, were bestow'd upon his youngest Son *Ethelstan* (3), as we read in *Henry of Huntingdon*. *Ethelwolph* divided his Kingdom, *Indefeasible and Unalienable* as it was, between his two Sons *Ethelbald* and *Ethelbert* (4). Nay the famous King *Alfred*, citing his Father *Ethelwolph's Will* (5), he being the third Son, tells us, the Kingdom was divided between them three, upon this Condition, That which ever of the three surviv'd the rest, he should enjoy the whole Sovereignty. Which Will is an undeniall Evidence, that anciently in this Nation, the whole Kingdom, was not entail'd upon the Eldest Sons of our Kings, and gives a Mortal Blow to the *Divine Hereditary Right*.

Alfred the first King of all *England*, surviving his Brothers, and stepping over the Heads of *Athelwulf* and *Ethelbald* his Elder Brother's Sons, reign'd over this Kingdom not by the *Divine Right of Heirship*, but, as he owns in his Will, (6) By the *Divine*

(2) *Ordinatur Ecgbyrht super Occidentales Anglos in Regnum.*

(3) *Edelwlfum super West Sexe Edelstan vero super Cent & Sud Sexe & Est Sexe.*

(4) *Cæteraque Pater subjugaverat, appendix Ethelstano filio contradidit.* Will. Malmes.

(5) *De Hereditate quam Pater meus Ethelwolphus rex nobis tribus patribus delegavit, &c.* Affer. Menev.

(6) *Divino Munere, labore ac Studio Athelredi Archieopiscopi, necnon totius West-Saxonum Nobilitatis consensu pariter ac Assensu Occidentalium Saxonum Rex. Abbas Rievall.*

Gift, by the Endeavour of the Archbifhop Athelred, and by the Consent and Assent of all the West Saxon Nobility. And how does his Son Edward succeed him by *Jure Divino*, or by the same Assent and Consent as his Father succeeded his Uncle, being chosen King by the Nobles on Whitsunday, as the Historian Ethelwerd his Kinsman words it, *A primatis Electus Pentecostes in Die*. To him succeeded his Bastard Son Athelstan, whose Bastardy most certainly was a Bar to his Divine Right; and he was so far from pretending to it, that we read in the *Saxon Annals*, he was *electus in Regem, & apud Cynestune consecratus*, chosen King and crown'd at *Kingston*. The same lays *Henry of Huntingdon*, and others. *Athelstan* dying without any Children, his Brother *Edmund* succeeded him. If a Bastard too, where was his Divine Right; if not, where was *Athelstan's*? To this *Edmund* succeeded a third Brother, *Edred*, though he had two Nephews *Edwy* and *Edgar*, the Sons of *Edmund*, living. Of the Legitimacy or Illegitimacy of *Edmund* and *Edred* History is silent. The Historian *John Brompton* says, *Edwy* and *Edgar* were laid aside on account of their Minority (7). Now is there a certain Age requir'd to the Completion of an Hereditary King? Upon *Edred's* Death, his Nephew *Edwy* succeeded him, but for his Male Administration in breaking the Original Contract, and forfeiting his Right, as the *Scots* Convention declar'd King *James* had done, the People depos'd him, and chose his Brother *Edgar* (8) King.

A Ma-

(7) *Quod pueri Edwinus & Edgarus pro immatura Aetate adhuc regnare non poterant.* *Bromt.*

(8) *Ipsum Regem Edwinum pro mala Vita sua Ex-pulerunt, & Fratrem suum Edgarum in regem levaverunt.* *Bromt.* *ab eis Rex Eligitur;* as it is in *Simon of Durham*, and *Florence of Worcester*.

A Manuscript of Archbishop Osho's Life, in the Cotton Library, speaking of Edgar, says, *Utrouque Populo electus.* Upon the Death of the great King Edgar, there was a warm Contest about the Succession, the Queen Dowager and her Party being for her Son Ethelred, in opposition to his Brother Edward the eldest Son of King Edgar, as Florence of Worcester and Simon of Durham informs us. There was a warm Contention about the Election of a King. *De rege Eligendo magna inter Regni Primores oborta est Dissensio;* but at last the Bishops and the Nobles chose Edward, *Eligerunt.* What reason had they to elect, if the Hereditary Right was prevalent? or if indeed the Command of the King his Father signifi'd any Thing, for he had commanded them to do it, and consequently having declared the Right Divine to be in his eldest Son, *ut Pater ejus praeceperat.* What Reason was there for this Contest, this Formality, unless the Consent and Assent of the Lords Spiritual and Temporal, and the People of the Land were necessary, and a Fundamental of the Constitution under the Saxon Monarchy in England? This Edward being murder'd by means of his Mother-in-Law, he was for his Piety surnam'd the Martyr; and now, 'tis true, the Divine Right of Succession takes Place. Ethelred his Brother succeeds him, and 'tis call'd a Succession by *Ingulphus.* Successor Frater suus Ethelredus, who dying after a troublesome and unfortunate Reign, his Son Edmund, surnam'd Ironside, is not said to succeed him by Inheritance, but Successor in *Regnum Londonensium & West Saxonum Electione,* by Election; nor was his Election unanimous, for a great part of the Bishops and Nobles had chosen Canute, the Dane, King at Southampton, in opposition to the Election of Edmund at London.

The Invasion of the Danes might very well have broken the Order of Succession, had it been never so regular; and we wanting no Instances in more settled Times, shall not insist on such as we meet with in Times of Confusion, wherein the Danish Kings

Kings, who had no Title at all, were doubtless willing to procure the Consent of a People they had but half conquer'd, whom they frighted into a Consent to what they had not Power to prevent.

Canute's Title being in effect that of a Conqueror, admits of no Debate in this Argument, nor hardly that of any of the *Danish* Kings, though the *Londoners*, and others, were so degenerated, and turn'd such *Barbarians*, as *William* of *Malmesbury* says, that they chose *Harold*, *Canute's* eldest Son, King, after the Death of *Edmund Ironside* and *Canute*, notwithstanding *Edmund* had Children A-broad in Foreign Parts, and *Ethelred* had other Children, *Edward* afterwards the *Confessor*, and *Alfred*, by Queen *Emma*, who marry'd *Canute*, and had a Son also by him, call'd *Hardicanute*; but all were set aside to make room for *Harold the Dane*.

I am now come to *Edward*, upon whose Donation of the Crown the Author builds the *Conqueror's Hereditary Right*, and all the *Right Divine* of the Kings of the *Norman* Race; which will oblige me to keep him always in sight in the following Pages.

If the Title of *Edward the Confessor* to the Crown was not a *Legal* one, as it cou'd not be while his Nephew, *Edward the Outlaw*, was living, and had Children, how cou'd he convey a *Legal* Title to *William* Duke of *Normandy*, or give him an *Hereditary Right* by his *Will*, when he had none himself, or indeed how cou'd *William* the Bastard succeed by *Right of Inheritance*, as our Author asserts, pag. 20. out of *Guliel. Picta.* and *Ordericus Vitalis*.

He very falsely pretends that *Edward the Confessor* took the *Crown* which was another's *Right* against his *Will*, and that his Nephew was so remote he cou'd not be come at to be made *King*. See the very Words of this Bold Writer, all with a Treasonable View to the Pretender to her Majesty's Dominions, *The Right Heirs were at a great Distance*, their

their Condition and Circumstances utterly unknown; and besides, it was hardly possible to give them Notice of the Vacancy of the Throne. Prince Edward, Eldest Son of Edmund Ironside, had marry'd (9) Agatha, Daughter to the Emperor of Germany, and Niece to the King of Hungary, in whose Court he liv'd. And was it not possible for this Saint-like Monarch to hear of such a Prince, to know what Circumstances he was in? Or for Edward the Outlaw to get Intelligence of the Vacancy of the English Throne? How do these wicked Men falsify History to batter our Constitution? How can it be otherwise when History is all against them? Edward the Outlaw did not only hear of his Uncle's Accession to the Throne, he return'd to England with his Family, and the Confessor still kept the Hereditary Crown from him, but declar'd, as we read in William of Malmesbury, that he or his Sons should Succeed, *Ille aut Filius sui Succedant, &c.* Can any thing in the World be plainer, and yet this Holy Confessor, satisfy'd, as he was, of the Divine Doctrine of Hereditary Right, thought fit, for his own Interest, to keep the Kingdom during the Life of his Nephew and after his Death, notwithstanding his beforemention'd solemn Declaration to give away the Indefeasible Unalienable Right to William the Norman, in Prejudice of Edgar Etheling, Son of Edward the Outlaw, and Grandson of Edmund Ironside, who alone had a Title by Descent. However, our Author, fond surely of the Tyrant Title of Conquest, does not stick to affirm that William the Bastard was a Lawful King, page 24. contrary to all the Unalienable, Indefeasible Right of Edgar Etheling, contrary even to the Pretences of his own Faction in their Trayterous Sermons and Libels. He says, speaking of the

(9) *Agatham filiam Germani sui Henrici Imperatoris Romani, tanquam vero Anglia Heredi matrimonio copulavit.* Bromt,

the Confessor's Will, which was the Foundation of the Bastard's Title, that Harold Swore to maintain that *Act of Settlement*, an affected Phrase to affront the Title of the House of Hanover to the Succession of this Crown, founded on several *Acts of Parliament*, not *Wills and Testaments*, but the Statutes of this Kingdom, which cannot be broken without annihilating the *Constitution*. I shall not mention the Right of Harold, Son of Earl Godwin, who was in Possession of the Throne when the Normans invaded the Kingdom. He cou'd have none but by Election, the *Hereditary Right* was in Edgar Etheling, the *Testamentary*, a very weak one God knows, was in William the Bastard, and the *de Facto* Title in Harold, who had thrust himself into the Throne. Henry of Huntington says, *Haroldus Vero viribus & genere fratus regni Diadema Invasit*, and Bromton uses the same Words in his Chronicle. Can any thing be more absurd than for these Enemis of their Country and its Laws to affirm sometimes, That no *Acts of Violence* and *Injustice*, no *Tyranny* and *Oppression*, no *Persecution* and *Cruelty* can warrant the Dispossessing of an *Hereditary King*, or setting his *Heir* aside, that whether a *Fool* or *Madman* we must submit and be Passively *Obedient*, and yet this Writer makes it out that William the Conqueror was a *Lawful King*, because Edward the Confessor, who never was a *Lawful King* but by *Election*, had set his Grand Nephew Edgar Etheling aside for want of *Parts* and *Beauty*, page 23. finding him unfit for the Royal Throne, as well by the *Qualities of his Mind*, as those of his *Body*. This Man's Book is a continu'd Series of Misrepresentations, he is perpetually wresting the *Text of History* to serve his purpose, as his Brethren in other Cases wrest the *Text of Scripture*. He says the

(ii) *Heraldus Comes filius Godwini Viribus & genere fratus, omne regni Diadema sinistro illico Invasit*

the Constitution was on the side of the Conqueror, to which he did indeed appeal, but it was with his Sword in his Hand, what if St. Edward's great Men and Counsellors did advise him to it. Cou'd their Advice justify him in giving away Edgar's Right to another, because he did not like his Person and Part. Does not this make the Crown alienable and de-feasible with a Vengeance?

He is very fond of *Ingulph's* Authority, tho' Secretary to the Bastard, and a Deserter to him in Normandy. His other Historian *Vitalis* was of the same Faction, and this goodly Prince, King *Edward*, cou'd not but be dear to them, and all the Friends to the French in after Ages. For *Ingulph* tells us, he much cheris'h'd and advanc'd them, by which he made way for the Invasion and Conquest of his Country. Now that a great Part of the People of *England* were against the *Bastard's* Title, for which this Writer is so Zealous, for Reasons best known to himself, both before and after *Harold's* Death, will appear by what has been said already of *Harold's* thrusting himself into the Throne, and of the willingness of the English to prefer *Edgar Etheling* to *Harold* before the Invasion of the *Norman*, mention'd by *Henry of Huntington*, *Quidam Anglorum Edgar Edeling promovere volebant in Regem*; and *Bromton* informs us, that there was a Party which insisted on *Edgar's* Succession, in Opposition to his Pious Uncle's unjust Will. (12) Nay, *William of Malmesbury* is so far against this Writer's assent of the Nobility and People of England to the Duke of Normandy's Succession, that he assures us, *They were long in suspense what to do, whether to submit themselves to Harold, William or Edgar.* (13)

C

That

(12) *Quidam Anglorum magnates Edgarum Ade-linge filium Edwardi filij Regis Edmundi Ireneside in regem promovere motiebantur.*

(13) *Anglia dubio favore nutabat, cui se rectori committeret incerta, an Haroldo, an Willielmo, an Edgaro.*

That *Edward the Confessor* was Conscious of his own illegal Title this Writer himself insinuates, "Twas not without some Importunity that he vouchsaf'd to be King. Whereas in truth he had shewn his good Disposition to Royalty, when he and his Brother *Alfred* came out of Normandy in the Reign of *Harold the Dane* to visit Queen *Emma* their Mother, and brought with them so many *Normans*, that he gave jealousy to the Court even then, as we find in *Florence of Worcester*, (14) Earl *Godwin* and the English Court being in the Danish Interest; And afterwards upon the Death of *Edward's* half Brother *Hardicanute the Dane*, we find that the People were rather importun'd to make the *Confessor* King, than he importun'd to accept of the Sovereignty. For when *Ingulph* says, "Twas by the Exhortation of Earl *Godwin*, *Cohortante Godwino Comite*, it refers to the Intrigues of that Earl to procure the Crown for *Edward*, who on that Condition was to marry his Daughter, and to his Solliciting the *Confessor* to accept of the Election, *Omnium electione in Edwardum concordatur*, says the same *Ingulph*; which Election was, as has been mention'd often in prejudice of the Hereditary Right of *Edward* his Nephew, an unknown and unheard of Person, as our Author will have it, who had to conceal himself the better from the Inquisition of his Uncle, and least he shou'd send for him to make him King, marry'd the Daughter of *Henry the German Emperor*. That he was very willing to part with it, as this Writer asserts, one may very well imagine by his keeping it after his Nephew's Return, a Prince much better qualify'd for Dominion than himself, of whom enough has been said to shew

(14) *Multis Normannicis militibus secum assump-tis, &c. Quod indigne graviterque ferebant Potentes nonnulli.*

shew that he had no manner of Title in the World but *Vox Populi*; and what Return this Monkish Monarch made them for their Diference to him, we read in the History of the Invasion and Conquest of *England* by his Dear Friends the *French*.

The Consistency of this Author appears in his telling us in one Place, that King *Edward* left the Crown to the *Norman* because he perceiv'd *Edgar Etheling* to be unfit for the Royal Throne, as well by the Qualities of his Mind as his Body, and two or three Pages afterwards, that he did it, because he was a Boy, p. 29. Good God, to what Shifts are these our Country's Enemies driven to scribble us out of our Liberties? Does *Minority* justify *Disinheritance*? Are these the Sticklers for *Unalterable Succession*? Are these the Men that make it Damnation to deprive a Royal Heir of his Right on any account whatsoever? A Crown sometimes is no more alienable than Religion. At others, the want of Years, or even of Beauty, is sufficient to forfeit it. To excuse it, p. 31. he pretends *Edgar* had really no Right at all to the Crown: Why so? Because the Bishops and People had consented it should be divided between his Grandfather *Edmund Ironside* and *Canute*: But what had the Bishops and People to do, according to this Author's Party-Principles, with *Edmund's Divine Right*? What Power had they to alienate a Thing *unalienable*, as he says, they did on *Edmund's Death*, by swearing that the Partition of the Kingdom gave *Canute* the Survivor, a Title to all of it in prejudice of the whole *Saxon Race*? What Incoherence, what Contradiction in these Mens Arguments! How little consistent are they with themselves? and no wonder they are so, for such as have nothing to support them but Falshood and Sophistry, can never be always in a Tone. Truth is only one. Error is as various as the Winds, and he who is us'd to tell Lyes never blushes when he is caught in it.

He pretends, that *Edward* had a Title to the Crown from his half Brother *Hardiknute*, who call'd him to the Succession; but with all those that assert the *Hereditary Right*, *Hardiknute* himself had no Title, the Sons of *Ethelred* and those of *Edmund Ironside* being living; However the *Dane* prevail'd rather on account of *Ethelred's* Slothfulness, than out of fear of the *Danish* Power, as *William of Malmesbury* informs us (15). Why is all this Stir made about St. *Edward's* Title? I am apt to think these Gentlemen do not forget that he was the first King of *England* that had the invaluable Gift of curing the *Evil*, which was not deriv'd to him from his Ancestors, as was neither the Crown directly, but must be the immediate Blessing of God, which, with the Kingdom, he convey'd, as well as he could, by Deed to *William of Normandy*.

I think there needs no more Proofs, that before the *Norman Invasion* the Claims of the *Saxon Kings* by Descent were taken no more Notice of in *England*, than the *Poles*, *Danes* and *Swedes* took Notice of the *Hereditary Right* of their Kings, tho' the Succession has gone longer uninterrupted in one Line in *Poland* than it ever did in *England*.

I am now come to the *Conqueror* and his Successors, and there can be nothing more merry than to see these Men go about to prove the *Divine Right* of Succession out of the History of Kings, of whom the better half had no manner of Pretence to it. There is not a Nation in *Europe*, where the Inheritance of the Crown has gone oftner out of the direct Line.

I should

(15) *Nam filii Ethelredi jam fere omnibus despiciuntur, magis propter Paterna Socordia memoriam, quam propter Danorum Potentiam.*

I should here say a Word or two, as to what our Author urges of the Right the Kings of *England* had to give away the Crown by Will; but I shall content my self with what King *Harold* said on occasion of Duke *William's* claiming it by St. *Edward's* Donation, *That it could not be alienated without the Consent of the People.* He objects against the *Norman's* Claim, because, as *Malmesbury* has it, *'Twas without the general Consent of the Parliament and People, absque generali Senatus & Populi Conventu.* This Matter will not admit of Dispute. 'Tis very plain the Conqueror thought his Title as such was much better than *Edward's* Nomination; but yet not contented with the Barbarous Right which *Conquest* gave him, he pretended also to that of Election, and there is something in that Pretence of his; for before *Aldred*, Archbishop of *York*, would crown him, he requir'd of him an Oath (16) *That he would defend the Holy Church of GOD, and all its Governors; that he would justly rule all the People committed to his Charge; that he would make and keep good Laws strictly forbidding all Rapine and unjust Judgment;* which Oath this French King took at the Altar of *St Peter* at *Westminster*, but broke it in every Part of it, as might be very well expected from an *Invader and a Frenchman*, Qualities which so endear him to this Writer and his Faction, that he has no Words too good for him.

Having

(16) *Prius, ut Archipræful ab eo exigebat, ante altare sancti Petri Apostoli in Westmonasterio, coram clero & populo iurejurando promittens, se velle sanctas Dei Ecclesias ac Rectores illarum defendere, nec non & cunctum populum sibi Subjectum justè & regali providentia regere, rectam Legem statuere & tenere rapinas inustaque judicia penitus interdicere.* Flot. Wigorn.

Having given this clear and unquestionable Evidence of Duke William's having no Right to the Crown, but by the Sword, I shall proceed to examine his Son *William Rufus's* Title. One would think 'twas enough to say only, that his Elder Brother liv'd and reign'd in *Normandy*, to silence this and all other Assertors of *Hereditary Right*, but I shall discourse with him a little upon that Matter, since he boasts, that having prov'd the first *William's* good Title to the Crown, he will, if he can, do as much Service to the second. I will not trouble my self with the Conqueror's Will; if he could give away the Crown to his seeond Son, 'tis *Alienable and Defeasible*; and we have nothing then to do but to prove, that it cannot be alienated by Will without the Consent of the Parliament, which has been shewn already, and will be further shewn on another occasion: Besides his Father's Will, *the Nation*, says our Author with equal Boldness and Falshood, were *unanimous for Rufus*. Whereas *Florence of Worcester* assures us, *There was great Murmuring among the Nobility about the Succession of the Crown, part of the Norman Nobles siding with King William, but the greater part of them favouring his Brother Duke Robert, and wishing that he might be their King* (17).

Where is this unanimity for *Rufus*? the Truth is, the Nation did not look upon him as better than an Usurper, but having been us'd for twenty Years to the Reign of a Prince, who held his Power by the Sword, they matter'd not the Right of either of his Sons, but submitted to the *Possessor*, who got the Crown, as *Eadmerus* writes, by the Interest of

the

(17) *Inter primates Anglie orta est Discordia, pars etenim Nobiliorum Normannorum favebat regi Gulielmo, sed minima, pars vero altera favebat Roberto Comiti Normannorum, & maxima, cupiens hunc sibi asciscere in regnum.*

the Archbishop *Lanfranc*, and notwithstanding the *Bastard's* Will could not have obtain'd it without it (18). But *William of Newbury*, a very good Historian, the first who detected the Cheats of *Geoffry of Monmouth*, puts this Matter out of Debate, telling us plainly, that the People look'd upon *Robert as the Right Heir*, which, if the Lineal Descent is of Divine Right, he most certainly was (19).

All this while was *Edgar Etheling* living, which this Author makes to signify nothing. He takes it for granted, that he resign'd his Title when he submitted to the Conqueror, and that the want of Power to defend it, was a sufficient want of Right. *He never, says he, would be perswaded to struggle for a Crown, which, in the Opinion of all Wise Men, it was no more for his Interest than it was in his Power to obtain.*

I can not help observing, that this Writer, who justifies the Confessor's Exclusion of *Edgar* for his Incapacity to govern for want of Parts and Courage, sets him out a few Pages after, as a great Politician and General. *He sail'd from England upon an Expedition to Apulia*, p. 36. *In Normandy he was one of Duke Robert's Chief Counsellors*, ib. and afterwards he mediated a Peace between England and Scotland, p. 37. We must bear with such Things as these, if we will have to do with such Writers.

As

(18) *Defuncto itaque Rege Willielmo, successit ei in Regnum Willelmus Filius Eius, cui cum regni fastigia fratri suo Roberto præripere gestiret, & Lanfrancum sine cuius assensu in regnum ascensi nullatenus poterat.*

(19) *Unde Factum est, ut quibusdam optimarum Roberto propensiorem tanquam justo heredi per eram exheredato, favorem prstantibus, statumque regnaturantibus.*

As to *Henry's Succession after Rufus*, in prejudice still of his eldest Brother *Robert*, this good Man gives him a Title by the same Conveyance that their Father made to his second Son *William*, in Exclusion of his eldest Son *Robert*; who having been once set aside, he pretends that *Exclusion* justifies *Henry's Claim*, p. 37. And seems to be at a loss on what score the *English obey'd King Henry*, if not on account of his Father's having by Will bequeath'd the Kingdom to his second Brother, without however any mention of him the third Brother; *Possibly*, says he, *it will be said the English obey'd King Henry*, because he was in Possession, and could not be justify'd upon any other Principle: But how do we know this?

I will for once tell him why it was that the *English obey'd Henry*: He knew it very well, but he had not the Honesty to own it, it was because they had chosen him their King, and by that Election, had given him a much better Right than either of his Brothers had. *Henry of Huntington* is very plain and direct in his Evidence, *Henricus Frater ejus junior ibidem in regem Electus*. Why do these Writers endeavour to conceal Things thus? Why do they make such a stir about the Donation of the Conqueror to *Rufus* to favour *Henry's Title*? Here's the best that he had. This King in his Charter acknowledges he ow'd his Crown to the Mercy of God, and the Common Council of the Realm. *William of Malmesbury* says the same, That after the Solemnities of William II's. Funeral were over, Henry was elected King not without some previous Contests among the Nobility (20).

Upon

(20) *Post justa funeri regio persoluta, in regem electus est aliquantis, tamen ante controversijs inter proceres agitatis.*

Upon the Death of *Henry*, his Daughter *Maud* ought to have succeeded by the *Divine Right* of Succession. The Oaths had been taken to her particularly by *Stephen*, who *Huntington* tells us, invaded the Regal Diadem, *Regni Diedema, Deum tentans, invasit.* I shall not insist upon the Pretensions of *Stephen* to the Crown: 'Tis Evident he got it by Surprize, and shall only observe that our Author takes an occasion on this Article to insinuate what he would have our Clergy and Layety do with their Oaths to the Government: *Oaths*, says he, p. 44. were not made to be kept to the Hazard of People's Lives and Fortunes. *Man* was not made for *Oaths*, but *Oaths* were instituted for the use of *Man*, and therefore no *Man* ought to be a Slave to his *Oath*, but his *Oath* ought to be subservient to his Interest and Safety.

He adds, That the English did not acquiesce and submit to King *Stephen's Authority*, that they wou'd not endure him for their King, ib. Now we shall find that *Stephen* declar'd in a Proclamation of his, That the Clergy and People had elected him (21); and another Author tells us he came to the Crown by the Consent of the generality of the Clergy and Layety assembled at London.

'Tis true, this Consent was not so general, but that there was a strong Party who sided with *Maud* as soon as she landed in *England*. The Fortune of War gave the Kingdom alternatively to both of the Competitors, and at last the Matter was made up by an Agreement between *Stephen* and *Maud*, that the former should reign as long as he liv'd, and that

D

Duke

(21) *Ego Stephanus Dei gratia, assensu cleri & populi in Regem Anglia Electus.* Rich. Hagulstad.

Consentientibus in ejus promotionem Cantuar. Wil- lielmo Archiepiscopo, & Laicorum apud Londonius U- niveritate.

Duke *Henry*, Son of the latter, should succeed him in the Throne. *Maud* the true Heir was wholly neglected, no shadow of Royalty being left for her to whom it strictly belong'd according to the Doctrine of *Hereditary Right*; and she liv'd Thirteen Years after her Son *Henry II's* Accession to the Crown. Besides the Royal Family of *Scotland* being descended from *Edgar Etheling's* Sister were before him in Blood; but then our Author will have it that *David King of Scotland*, and *Maud* the Empress, resign'd their Right to *Henry*, which sometimes these Men pretend is not to be done, and no *Resignation* nor *Abdication* can make a Legal Forfeit: But we have not one Proof of these *Resignations*, unless we will take what he tells us for Proofs, that *Maud* was overjoy'd when she heard her Son had made that Agreement with *Stephen*, and King *David* assisted him against *Stephen*, *David's* Enemy. The Truth is, there are no Footsteps of *Maud's* claiming the Crown, by virtue of her Right of Inheritance, after *Stephen* agreed to give what was none of his own to her Son.

We have seen that from the Time of *Edmund Ironside* to the Death of *Maud* the Empress, about 150 Years, there has not been one King in *England*, who held the Crown by the *Divine Right of Inheritance*. And though the Assertor of *Hereditary Right* affirms too that the Donation or Wills of some of the Kings gave their Successors a Title *de Jure*, yet we have also seen that the *English* Nation did not mind these Testamentary Claims, but set them aside and gave the Sanction of their own Consent to the several Successions during this Period; there is nothing in History more evident, however this Dabler in it would disguise the Matter. As to *Henry II's* succeeding by Compact after the Death of *Stephen*, he cannot avoid an Insinuation, which ought to alarm all Loyal Subjects to the Government. When *Henry*, says he, obtain'd the Crown, he depos'd the Noblemen made by *Stephen*, as meer imaginary false Earls and Lords, and resum'd also the Lands

Lands granted them, which he so phrases without any warrant from History, wherein there is not one Word of meer imaginary false Earls and Lords, as he terms it, to be met with, but he made use of the Term as a modern one, and to serve his present purpose.

I do not meddle with the Dispute between this Writer and Dr Higden about Kingship, *de Facto & de Jure*, I deal only with our Author as an *Assertor of Hereditary Right*; for if we have prov'd, as I think is done effectually, that for fifty Years before the Conquest, and a hundred Years after, there was not one King who pretended to a Right by Inheritance, our Assertor must fetch his Proofs out of other Chronicles than the *English*.

There follows a Series of Princes, whose Succession interrupted the Lineal Descent, and our Author knowing he could not handsomely go through with it, endeavours to avoid entring upon it. The Doctor, says he, *perhaps may now expect I should follow him thro his whole List of Kings de Facto, but since he has not thought it worth his while to take much Notice of them himself, he will excuse me if I pass them over with as little regard*. This shall not hinder me, from taking this Assertor of *Hereditary Right* along with me through the List, to see how these Men abuse those Poor Country-men of theirs whom they have deluded into Principles inconsistent with *Liberty and Safety*.

It must be own'd, that *Richard the First*, succeeded as his Father's Eldest Son, and that after an Interruption of near two hundred Years, including *Henry IIId's Reign*, the Hereditary Right held the Crown nine Years, and no longer; for upon *Richard Ist's Death*, his Nephew *Arthur*, Son of his Younger Brother *Jeffery*, ought to have succeeded; but *John*, *Arthur's Uncle*, stept over his Head.

There is not one Fact in History better prov'd, than that King *John* had no Pretence to the Crown but by his Popular Title, the most apparently so of

any King's that ever reign'd in *England*. On the 25th of *May*, almost two Months after the Death of *Richard his Brother*, *John landed in England*, and two Days after, at an Assembly of the Lords and Commons, *Hubert, Archbishop of Canterbury*, made a Speech to them, which he began thus :

Most honourable Lords of the Spiritualitie, and most grave and politike Peeres and Barons of the Temporalitie, you are come hither this Day to choose a King. And again,

Albeit I am sure that you do well know, how all these Qualities are most abundantlie planted in the Person of John Duke of Normandie, a Person of high Worth, and no less Prudence ; for the which yee ought to judge him right worthie of the Government : Yet being in doubt least the common Fame should carrie you awaie, or at least you should turne your Minds to the favour of another, as in respect of some better Right, by Title of a more Lineal Descent of Inheritance pretended to by others, than he hath to shew, I require you to give eare unto my Words.

And then he set forth the Merits of *Duke John*, and the Reasons they had to prefer him to *Arthur*, his elder Brother's Son ; which had such good Effect on the Hearers, that to use the Words of the Historian, *John was saluted King*. Not one Word is mention'd all this while of King *John's Testametary Title*.

We have very good Authority to affirm, says our Assertor of Hereditary Right, *That King Richard appointed his Brother John his Successor* : And what is his very good Authority. Neither *Matthew Paris's*, *Matthew Westminster's*, *Radulphus de Diceto's*, *Roger Hoveden's*, or any Antient Writers, but that of *Brady* ; who for collecting a parcel of false Quotations, Misrepresentations of Facts, and corruptions of History, to lessen the Authority of Parliaments, in the dullest, driest Book that ever was written, the rudest and most Partial, had the good

Place

Place of Keeper of the Records in the Tower, given him in the Reign of King Charles II.

Tyrrell a faithful, tho' no very elegant Historian, says of him, *He every where shews his want of Judgment, and Fondness of Tyranny.* He endeavours to prove the English to be Slaves by the Conquest of the Bastard; and has been prov'd by the same Tyrrell to be wilfully guilty of so many Errors, that 'tis a Scandal to History to name him; and yet without mentioning one Record, which the *Assertor* is very ready to do, when he has one that he thinks makes for him, he assures us, King Richard did bequeath his Hereditary Right to King John, in Prejudice of his Nephew Arthur; and Page 61, *Therefore John succeeded Jure Hereditario.* If the Reader cannot bear such Stuff as this, he must have nothing to do with *Assertors of Hereditary Right.*

I cannot part with Archbishop Hubert without taking notice of a Passage in *Matthew Paris*, which informs us, that *Hubert shou'd say farther on the abovemention'd Occasion, No one ought to succeed another to the Kingdom for any Previous Reason or Consideration, unless he were ab Universitate Populi unanimiter Electus.* And King John declares in his Charter, he came to the Crown, not by our *Asserter's Testamentary Right, but Tam cleri quam Populi Unanimi Consensu & Favore.*

Hubert's Speech is to be met with in *Roger Wenvoe*, a Manuscript in the *Cotton Library*, and it will not be amiss to give a Catalogue of some of the Lords Spiritual and Temporal that were Present at, and approv'd of, King John's Election; for by that we shall perceive the Bishops in those dark Times of Popery, were more enlighten'd in the Doctrine of Liberty, than some of them have been since the glorious Sunshine of the Reformation.

Hubert

<i>Hubert Abp. of Canterbury.</i>	<i>Herbert Bp. of Salisbury.</i>
<i>John Abp. of Dublin.</i>	<i>Philip Bp. of Durham.</i>
<i>Roger Abp. of St. Andrews.</i>	<i>Henry Bp. of Landaff.</i>
<i>The Abp. of Razusa.</i>	<i>Robert Earl of Leicester.</i>
<i>William Bp. of London.</i>	<i>Richard Earl of Clare.</i>
<i>Gilbert Bp. of Rochester.</i>	<i>William Lord Sudburie.</i>
<i>John Bp. of Norwich.</i>	<i>Humphrey Earl of Warren.</i>
<i>Hugh Bp. of Lincoln.</i>	<i>William Earl of Salisbury.</i>
<i>Eustace Bp. of Ely.</i>	<i>William Earl of Chepstow.</i>
<i>Godfrey Bp. of Winchester.</i>	<i>Walran Earl of Warwick.</i>
<i>Henry Bp. of Exeter.</i>	<i>Roger Bigod.</i>
<i>Sefrede Bp. of Chichester.</i>	<i>William Earl of Arrundel.</i>
<i>Godfrey Bp. of Coventry.</i>	<i>Ranulph E. of Chester, &c.</i>
<i>Savarie Bp. of Bath.</i>	

That King *John*, according to the *Affortor's* Principles, cou'd only be a King *de Facto*, is so obvious 'twou'd be impertinent to go about to prove it. His Faction have the same Sentiments of King *William's* and our present Queen's Title, and thus excuse themselves for giving them the Title of King and Queen. *The Historians*, says he, who did not believe Stephen had a Right to the Throne of England, always give him the Title of King, even Maud the Empress her self in her Charter to Milo Earl of Hereford, stiles him King of England, who at that time was her Prisoner.

'Thus if any of Her Majesty's Enemies, even the Pretender, shou'd for Political Reasons, give her the Title of Queen, according to this Writer 'tis to be look'd upon only as a Matter of Form, that signifies nothing; so thick does he scatter up and down his Traiterous Suggestions.

Our ingenious Author wou'd very feign drop the English History with King *John*, and take a Jump of 200 Years, to the Lancastrian Competition to the Crown: But I will take him along with me thro' the remaining Succession; I will make him stop at every Interruption in the Lineal Descent, and set it so before his and the World's Eyes, that it shall appear there never was such an *Affortor*.

Not.

Not to insist upon the Barons struggling for Liberty in King *Johns* Reign, and their sending for *Lewis* of *France*, (a very wretched Deliverer for *English Men*) to reign over them, I shall observe what happen'd on the Death of that King, whose Son, *Henry* the 3d, was an Infant, and 'twas debated by the Nobles, whether he shou'd succeed on that Account or not. A mighty Bustle does he make about last Wills and Testaments. Now 'twas very well known, that some time before his Death the King made his Will, and appointed his eldest Son to be his Heir (22). Tho' he had an *Hereditary Right* to his Father's Inheritances he had none to the Kingdom, *Elenor*, *Arthur's* Sister, being living: And tho' the Lords knew of the Solemn Request of the Crown to him by his Father King *John*, yet they laid no great Stress upon it. There was a great Uncertainty among the *English Nobility* what they shou'd do (23): And *Walter Hemingsford* writes, that upon King *John's* Death, *William Earl of Pembroke* spoke thus to the Nobles, *Let us have Compassion on his (Henry III.) tender Tears, and because he is the King's Son let us make him King.* The Nobles reply'd, *Fiat Rex, Fiat Rex.* Not a Word is said of the King's last Will and Testament; not a Word of the Princess *Elenor*, who had the *Hereditary Right*.

Henry III. coming thus by the Crown, in Prejudice of his Cousin *Elenor's* Lineal Descent, enjoy'd it with various Fortune, and kept the Lineal Heir, the Princess *Elenor*, in Prison, where she dy'd in the Year 1241. Thus was there an Interruption
of

(22) *Henricum filium suum primogenitum, regni sui heredem; constituit. regnumque Anglie illi jurare fecit Literas etiam sigillo suo munitas, ad omnes vicecomites regni & Castellanos direxit; præcipiens, ut ei essent singuli intendentes.* Mat Paris.

(23) *Erat autem ea tempestate inter optimates Angliae fluctuatio maxima, cui se regi committerent.*

of Forty two Years in the Lineal Succession. That Princess dying the whole Right of Inheritance remain'd in King *Henry III.*, who reign'd thirty Years after her Death, and his Son *Edward I.* succeeded him by an unquestionable Title of Descent, which he left to *Edward II.* and he held the Kingdom by that Title till the Year 1327, when he was depos'd for Male Administration. By this it appears, that the *Hereditary Right* prevail'd without Interruption 86 Years.

I shall not stand to particularize the Events of the great Revolution which remov'd *Edward II.* from the Throne, and put his Son *Edward III.* in his Place during his Father's Life-time, the young Prince assisting in it as much as lay in his Power (24).

The History of the Election of *Edward III.* must be very edifying on this Occasion, and therefore I shall relate it out of *Tho. de la More*, and *Thomas of Walsingham*, as follows: The Parliament was summon'd by Queen *Isabel*, and her Son Prince *Edward*, *Edward II.* still living, to sit at *Westminster*, in the beginning of the Year 1328: Wherein it was agreed *Nemine contradicente*, That for divers Articles then exhibited against the King, he was not worthy longer to Reign, and therefore should be Deposed; and withal they willed his Son *Edward Duke of Aquitaine* to Reign in his Place. This Ordinance was openly proclaim'd in *Westminster-Hall* by one of the Lords, to which all the People consented; and the *Archbishop of Canterbury* taking his *Theam Vox Populi, Vox Dei*, made a Sermon.

“ Thus, says *Holinshed*, was the Third King “ *Edward* chosen and elected King: And Sir *William*

(24) *Veruntamen in se tandem post multos ejulatus reversus, nimis gratulabatur, quod filium suum Edwardum post se regnatum elegissent, & ei assensum suum in quantum posuit attribuit.*

" Liam Trussel, Proctor for the House of Commons
 " in the Name of the whole Parliament renounc'd
 " the Old King.

I have, in many Places, observ'd how inconsi-
 stent the Writers against Liberty are with them-
 selves, and one another ; how they make the
 Crown sometimes to be as much alienable by Will
 as if it was a common *Chattel* ; at others how they
 affirin the *Heirship* to it is a *Divine Right*, incapa-
 ble of *Alienation* or *Defeasance*. Brady says, that
 the *Saxon Kings* might appoint a *Brother's Son* or a
Bastard before their own lawful *Issue* to succeed them
 in the Throne

I mention this because our Assertor of *Hereditary*
Right insists much on the Sanction of the *Jus Testa-
 mentarium* : Which Title it self gives a Shadow
 at least of Election, if not in the People yet in the
 King, if, by his last Will, he might name whom
 he pleas'd to succeed him in the Throne. Does not
 this imply, that the *Right of Blood* is not the on-
 ly Rule ? And what better, as well as what more
Legal and more *Usual*, than the Consent of the
 Nation.

I don't at all wonder at the Author I am dealing
 with, that he wou'd not meddle with this King *Ed-
 ward III*, and his Successor *Richard II*. the one came
 to the Crown by the Voice of the People, the other
 departed from it by the same Decree. This also
 must be said for the Succession of *Richard*, that he
 was the Heir, by Descent, to his Grandfather *Ed-
 ward III*, his Father the *Black Prince* being dead :
 Yet *Henry de Knighton*, who liv'd then, says, he suc-
 ceeded him, not only by *Hereditary Right*, but also by
 the *Common Vote* of every one (25). The solemn
 deposing of this bad King afterwards did not make

(25) *Hic ayo suo regi Edwardo jure Hereditario
 ac etiam voto Communi Singulorum in regnum sus-
 ceedit Anglorum.*

for the Purpose of a Writer, who is really assertin King James's and his pretended Son's Right, and therefore he slips over it as if it had been an Event of so little Importance, and so foreign from his Busines, that he did not think it worth taking Notice of.

Henry Duke of Lancaster, King Richard's Cousin, was abroad, when, as the old Chronicle informs us, divers of the Nobility, as well Prelates as others, and many of the Magistrates and Rulers of the Cities, Towns and Commonalties here in England, perceiving daily how the Realm drew to utter Ruin, devised, with great Deliberation and considerate Advice, to send and signify unto Duke Henry, requiring him, with all convenient Speed, to convey himself into England, promising him all their Power and Assistance, if he, expelling King Richard, as a Man not meet for the Office he bare, wou'd take upon him the Scepter, Rule, &c. The Lords Spiritual and Temporal, and Gentlemen of England, weary'd out with the Oppression of Richard's Arbitrary Government, invited Duke Henry to come to their Relief, not doubting of the Lawfulness of such Resistance, and of their own Authority in the Settlement of the Crown. How this Matter was effected is too well known to need being remembred here. A Parliament was call'd by Duke Henry, when he had the Person of Richard in his Possession, and 33 Articles exhibited against the latter, declaring him as *Holinshead writes*, an unprofitable Prince, and worthy to be depos'd. As to the Formality of Henry the IVth's Election, and the Deposition of Richard II. I shall not trouble the Reader with it.

The Archbishop of Canterbury preach'd King Henry's Coronation Sermon, in which he told the numerous Assembly that were present, God of his great Mercy hath visited us, I trust, his peculiar People, and sent us a Man to have the Rule over us, and put by Children that beforetime ruled this Land after Childish Conditions, as by the Works of them it hath lightly

rightly appeared to the Disturbance of all this Realm, for lacke of a Man. The Archbishop made no scruple to affirm, that the Depositing of *Richard* was the Lord's doing. *Thomas of Walsingham*, who was Contemporary with *Henry*, gives an Account of his Election at large, and in Phrase that adds a greater Sanction to it than our Modern Politicks will allow of (26).

What a Clamour does the Assertor of *Hereditary Right* make about one Nonjuror in this Revolution, Bishop *Merkes of Carlisle*, one *Opiniastre* full of himself, and singular in his Opinion against the Sense of all the other Bishops, and the general Sense of the Nation. He introduces his Harrangue in favour of *Merkes*, with an insolent Reflection on the Convention Parliament that settled the Crown on King *William* and Queen *Mary*, and on our present Sovereign Queen *Anne*. He says of the Parliament that depos'd King *Richard*, *I might call it a Convention, for I shall prove it to have been no better by and by*; with a Treasonable Insinuation, that neither that Parliament nor the Parliament at the last

(26) *In craftino lectis Regis, scil Rich. II. renunciacione & Cessione coramstantibus regni in magna aula Westmonast. consequenter processum est ad Articulos pro quibus merito videbatur deponendus. Qui etiam lecti omnes Violation. jurementi regalis finaliter concludebant: Pro inde Sententia depositionis regis lecta constabat regnum Anglia cum pertinentiis suis Vacare, &c.* Then having mention'd the Manner of Duke *Henry*'s challenging the Crown, the same as 'tis in *Holinshed*, he adds, The States of the Kingdom set their Hands to the Challenge, and the Archbishops plac'd *Henry* in the regal Throne with the Universal Applause of the People. *Huic vendicationi omnes Status regni manus dederunt, & Achiepiscopi eum in regali Solio posuerunt Universo populo applaudente.*

Iution, had any Authority to do what they did, and that all their Acts were therefore so many Nullities, or rather so many Illegal ones, for which may he have the Chastisement the Law and the Honour of the present Constitution require,

The Conduct of this troublesome Prelate he compares to that of the *Nonjuring Bishops*, who never acknowledg'd the Authority of the Convention, and all his Panegyricks on him, are so many Eulogies on those Disaffected Prelates for refusing to pay Allegiance to their Majesties King *William*, Queen *Mary* and Queen *Anne*. Dr *Higden* having said, that *Bishop Merkes* submitted to Henry IV. and acknowledged his Authority for he sat in his first Parliament, the Afferter of *Hereditary Right* falls upon him in this unmerciful manner, How does he know that he spoke his Speech at the close of the Parliament, or that he was present at the beginning of it, p. 66. 'Tis true, the Journals of the House of Lords, do not take particular Notice of the Presence or Absence of so extraordinary a Person as the Bishop of *Carlisle*, unless when he distinguish'd himself by a Speech; but that he submitted to King *Henry* the IVth's Authority, tho' he afterwards was like to be hang'd for rebelling against him, he might have known, if he would only have look'd into *Hall* and *Holinshed*. Immediately after the States had thus solemnly depos'd *Richard*, and the Archbishop had seated *Henry* on the Throne, *Holinshed* says, King *Henry* IV. issu'd out Writs in his Name to summon a Parliament.

On the 13th of October that King was crown'd. On the 14th the new Parliament met and chose a Speaker *William Durward Esq;* In this Parliament were several Acts that had pass'd in the former Reign repeal'd, and by their Authority was one *John Hall* Attainted, Hang'd, Drawn and Quarter'd on the 20th of October, for the Murder of the Duke of *Gloucester*, which he perpetrated by the encouragement of the late King or his Minister, and on the 22d of October we find Bishop *Merkes* assisting

at this Parliament call'd by the new King's Writs, having a new Speaker, and no Authority to meet, debate and determine but by the new King *Henry's*, and making a Speech in behalf of the abdicated King, in which Speech he does not insist on the *Unalienable, Indefeasible Right* of King *Richard*, nor assert, that the States were not authoriz'd to proceed against him, but that they did not give him a fair Hearing. His Words are, *I say that you have done manifest Wrong to proceed in any Thing against King Richard, without calling him openly to his Answer and Defence.* This Nonjuring Bishop would have had his Sovereign formally try'd before he was Condemn'd. Here's a Loyal Monarchical Prelate for you! He does not find fault with *Condemning him*, but the Condemning him without hearing him.

This is what he insisted upon, what he offer'd for his opposing the Commons, who demanded *Judgment to be decreed against Richard*, who, they say, *was lawfully depos'd*, and would not be satisfy'd with his Resignation, but would have the Causes of his Depositing made Publick. This Bishop was for bringing the King to an Account. How does that agree with the Doctrine of Kings being accountable to none but God? That he did not sit afterwards in Parliament, is not so strange, because the Earl Mareschal arrested him, and he was confin'd in the Abbey of St Albans, where he engag'd in a Plot to raise a Rebellion against King *Henry*.

Now as to the Speech being made at the beginning or the end of this Parliament, 'tis no great Matter, for the Session lasted but fifteen or sixteen Days, and the Treason against the new King broke out about two Months afterwards. The Conspiracy was contriv'd by the Abbot of *Westminster*, and whatever was the Loyal Pretence of it in favour of *Richard*, the main Reason of it was, that the Priests were afraid King *Henry* would be no Friend of theirs, his Father having protected *Wickliffe*. In a Word, this King was suspected to be a *Low Churchman*. Sir John *Baggot*, one of King *Richard's* Creatures,

tures, gave Evidence that King *Richard* should say, *He wish'd, if he must resign the Kingdom, his Cousin the Duke of Aumarl, Son to the Duke of York, might have it*; adding, *Though he lik'd the Duke of Hereford(Henry IV.) better, he knew if he were once King, he would prove an extream Enemy and Cruel Tyrant to the Church.* Nay, honest *Holinshed* confesses, that the Abbot of *Westminster* rais'd this Rebellion, in which the Nonjuring Bishop *Merkes* engag'd because he had heard King *Henry* say, when he was Earl of *Derby*, *That Princes have too little, and Priests too much.* The Pretence was indeed to restore King *Richard* and they gave out that one *Maudlin* a Monk, who was like that King, was he himself escap'd out of Prison. Your *Staunch Churchmen* have been always great dealers in *Impostors*.

One would think that these Enemies to the *British Liberty*, these Friends to Popery should have had some Consideration for the Pope's Authority. He was so far from supporting *Richard's Hereditary Right*, that he heartily defended *Henry's Revolutionary Title*, and ou ted Bishop *Merks* of the Bishoprick of *Carlisle* for his opposing it.

I am not surpriz'd to find our Assessor build so much upon the Lord *Coke's History of Bishop Merkes* in his *Institutes*. because it makes for him; but not to prejudice the Character of that great Lawyer, he was certainly not so good an Historian as a Judge. *Hall* and *Holinshed* understood that Matter much better than Sir *Edw. Coke* and tho' he pretends, that the certain Time when that Speech was made is not to be met with in p. 68, 'tis like the rest of his Veracity; for *Holinshed* affirms the Day as plain as ever Day was distingnished. On Thursday the 16th of October 1599. *John Hall* was examin'd, on Saturday the 18th he was brought to the Bar, Wednesday following the 22d did the Bishop of *Carlisle* make his Speech, which is at length in *Hall*, and there is not one Word of what the Assessor pretends, that the Bishop should say, *The Lords had no Power to give*

give Judgment upon him that was their Superior and the Lord's Anointed ; nor did he say, If they had Power they should hear him.

Our Author hides that it was upon the occasion of the Commons demanding Judgment against *Richard*, that Bishop *Merkes* makes his Speech, pretending, 'twas upon the Earl of *Northumberland's* Demand of the Lords, *What should be done for King Richard's Life*. And Sir *Edward Coke* is further out in the very Day ; for it was not on the first *Thursday* but on the second *Wednesday* ; that this Prelate Speech'd it so against the *Abdication*. Whatever the Earl of *Northumberland* did, 'twas doubtless for the Preservation of the new Government, he having had a considerable Hand in that Revolution, and assisted as High Constable of *England* at the new King's Coronation.

Our Author going about to justify the Bishop's Rebellion, says boldly, the Records of Parliament justify it, *as being a Performance of Faith and Allegiance to their Liege Lord King Richard*. What Rolls of Parliament are those ? *Edward IV's*, who had dispossess'd the *Lancastrian* Line sixty Years after, and I doubt not upon a second Restauration, against which God in his good Providence defend us, and enable us vigorously to defend our selves. *Charnock, Perkins, Friend, &c.* would be declar'd to have perform'd their *Faith and Allegiance to their Liege Lord King James*. This Man is very angry, that Dr *Higden* should not speak with more Reverence of his Rebellious Bishop, a Man so highly honour'd in History. What was he honour'd for, his Loyalty to the King, by whose Writ he sat in Parliament, or his Courage in dying out of Fear when he had obtain'd a Pardon for his Rebellion ? The Bishop of Carlisle, says *Holinshed*, was impeach'd and condemn'd of the same Conspiracy, but the King of his merciful Clemency pardoned him of that Offence, although he died shortly after, more through Fear than Force of Sickness. What has this Assertor got by his Bishop *Merkes*, but an opportunity of exposing him.

himself for falsifying Fact, and his Bishop for Rebellion and Cowardice? I cannot but approve his Modesty in one Place: It may be well question'd, whether the Gentlemen of the Layety, who refus'd the Oaths at the Revolution, will be remembred in our History. For, God be thank'd, neither their Number nor their Merit render'd them considerable enough; and those of the Clergy that stood out were for the most part such sort of Priests as caball'd and rebell'd for Richard II. Men of the worst Lives and Parts, who like the Prior of Laund in thole Days, of whom the Chronicle says, He had been before, for his evil Government, depos'd of his State and Dignity, thought by a superabundant Loyalty to atone for the want of Learning, Morals, or any other worthy Qualities becoming their Order.

The Assessor wou'd make us believe, that King Henry IV. was an Usurper, because Edmund Mortimer, Earl of March, whose Father Roger had been declar'd Heir to the Crown in the 9th Year of King Richard was still living, and cou'd not resign his Right to Henry, being but 6 Years old at Richard's Death, and but 10 Years old when he rais'd an Army for King Henry against Owen Glendour; the fairest Declaration in the World of King Henry's Title.

Let us examine this Matter a little, and see whether Mortimer was not of sufficient Age to know his own Hereditary Right, and to resent the Injury done him by Henry of Lancaster. The Lineal Right of Edmund Mortimer descended to him from Roger his Father, Son of Edmund Mortimer, by Philipa Daughter, and Heir to Lionel Duke of Clarence, elder Brother to John of Gaunt, Father of Henry.

Of this Roger we read in Fabian, and others, that he went over to Ireland in the Year 1385. to his Lordship of Ulster, which descended to him by Right of his Mother Philipa, Heir to the Lord of that Province by Right of her Mother, Wife to Lionel Duke of Clarence. Holinshed says, While he remained there to pacify the Rebellion of the wild Irish, a great Number of them together assembled,

came

came upon him ; and slew him, together with the most part of his Company. He does not indeed say, that Roger Mortimer was kill'd the Year he went over, but speaking of the Irish Affairs, reduc'd to such Extremity, that King Richard himself was forc'd to go over eight Years after, he tells us, he took with him the Duke of Gloucester, the Earl of March, &c.

This surely cou'd not be the Father whom the Irish surpriz'd, but must be the young Earl Edmund whose Presence might be thought necessary to awe the Ulsterians, whose Lord was his Ancestor ; and that he was of Age to know what he did, and what was his Due we find in the same Author, who informs us, that 5 Years after, when Henry VI. was Crown'd, the Earl of March envied his Preferment ; and again, he was with these Doings, neither pleased nor contented. Now to envy, to be displeas'd, and discontented, are not the Characteristicks of a Child of 6 Years old, whom a Paper-Crown wou'd have delighted as much as one of Gold and Diamonds : Besides, if he was but 6 Years old when King Henry made him King, he cou'd be but 9 when Glendour took him Prisoner, which was but 3 Years after. And the old Chronicle fays, that in the Year 1402, Edmund Mortimer Earl of March, Prisoner with Owen Glendonr, whether for Irksomness of cruel Captivity, or Fear of Death, or for what other Cause, is uncertain, agreed to take part with Owen against the King of England, and took to Wife the Daughter of the said Owen ? This must be a forward Spark to take a Wife at 10 Years of Age : The Writer had seen my Author and quotes him p. 521. Hol. The same is in Stow, but he did not matter that nor what Walsingham, who was then living, writes, that Glendour was so far from having been bred up in King Richard's Service, and therefore an Enemy to Henry, that he was the Duke of Lancaster's Esquire. He wou'd impose upon us the Evidence of a Welshman, Vaughan of Hangwrt, That Owen took Arms, not for a private Quarrel, but for King Richard ; whereas History is in nothing more plain,

than in *Glendour's beginning*, as Doctor *Higden says*,
in a Riot, and ending in a Rebellion, which he, with
 great Labour, and no Success, endeavours to dis-
 prove.

" By Reason of Variance that rose betwixt him
 " and the Lord Reginald Greie of Ruthen, a-
 " bout the Lands which he claimed to be his by
 " Right of Inheritance, when he saw that he
 " might not prevail, finding no such Favour in his
 " Suit as he looked for, he first made War against
 " the said Lord Greie, wasting his Lands and Pos-
 " sessions with Fire and Sword, cruelly killing his
 " Servants and Tenants. Thus does *Walsingham*
 represent the Matter.

Here is not one Word of *March's Title*, the
 Crown is not in the Case: On the contrary *Owen*
 had endeavour'd to obtain his Suit by Favour; and
 being balk'd reveng'd it on the Lord *Greie*, who
 was a Favourite of *Henry's*. And that King going
 in Person to assist *Greie*, *Glendour* turn'd his Per-
 sonal Quarrel to a State Quarrel, and sent to
France to invite the *French* to his Assistance, his
 Embassadors being one Doctor *Young*, and *John*
Hanmer, Esq.

Now that *Mortimer* did not think of the King-
 dom when he march'd against *Glendour* one cannot
 but be satisfy'd of, for that it was upon the Rout of
Ruthen, a zealous Lancastrian, that the Earl of *March*
 went against *Owen*; and tho' 'twas suspected that
 the Welsh beat the English by Treason, yet it is
 certain *Glendour* did not look upon *Mortimer's Men*
 as his Friends, or Men who deserv'd good Usage
 for their Loyalty, it being of this Defeat that *Ho-*
llyshed tells us, the Villany us'd by the Welshwomen
 towards the dead Carcasses, was such as honest Ears
 wou'd be ashamed to hear, and Continent Tongues to
 speak thereof.

A very likely Story wou'd this Writer palm upon
 us, that *Mortimer* and *Owen* understood one an-
 other, and the Welsh and the English on the Borders
 were

were in a Confederacy to assert the *Hereditary Right* of the Earl of *March*.

The Rebellion of the Earl of *Northumberland*, his Son *Hotspur*, and his Brother the Earl of *Worcester*, is charg'd by Dr. *Higden* with *Ingratitude* and *Envie*, and that they did not act upon Principles of Loyalty to their right *Heir*, which the Assertor does what he can to prove they did, brags of the Valour of *Hotspur*, and offers a Manuscript in Vindication of those Noble Lords. He gives 'em that Compliment purely for their Rebellion against the Revolutionary King *Henry IV.* tho' they had been as deeply concern'd in that Revolution as any Body, and rebell'd out of Avarice and Pride; the *Hereditary Right* of *Mortimer* being not talk'd of till they found 'twas necessary to engage the Faction that were against the Government on their Side.

The Character of the Earl of *Worcester* is very well describ'd by my old Historian, *His Study was ever to procure Malice, and set Things in a Broil*. He adds, That his Brother and Nephew began to envy King *Henry's Wealth and Happiness*, and refus'd to deliver to him the *Scots* Prisoners taken at the Rout of *Homeldon* and *Nesbit*, which the King several times demanded of them; and at last with Threats. Upon this, they, in Revenge, demanded of him to ransom the Earl of *March*, who was their near Relation. The King thinking they did it to insult him, refus'd it, and that with hard Words, which occasion'd a Rupture between him and the *Piercies*, who entred into a League with *Glendour* and *Mortimer*. Not to set the right Heir upon the Throne, as our Hereditary Man will have it, but to divide the Kingdom among them, a *Tripartite Indenture*, to use *Holinshed's* own Words, was made and sealed with their Seals; by the Covenant whereof, all England, from *Severn* and *Trent* South and Eastward, was assigned to the Earl of *March*; all beyond *Severn* and *Westward*, with all *Wales*, to *Owen Glendour*; and all the rest from *Trent Northward*, to the *Lord Percie*.

Where was the *Divine, Hereditary, Indeferable Right* for which these Noble Lords rebell'd? And yet our Assertor affirms, *They had the Interest of the Earl of March entirely at Heart;* so entirely, that they gave the *Welshman* one Third of the Dominions that belong'd to him by his *Divine Right*, and kept another Third themselves. Such was the Zeal of the Loyal *Piercies* for their Kinsman's *Hereditary Right*, and such the History and the Argument we meet with, and are to expect from those that assert it.

It is very pleasant to observe how he teases us with his *Rolls* of Parliament for the *Tork Title* by Descent. Not rememb'ring us that his *Rolls* are all dated in the Reign of *Edward IV.* who had by Arms prevail'd over the House of *Lancaster*, and the Prevalent Party made all their *Acts* in their own favour. Why did he not instance in the *Rolls*, during three successive Monarchs of the House of *Lancaster*? All the *Statutes* from the Year 1400 to 1460 are for the *Lancastrian Title*, not a Word of them in his whole Book, and there shall be no more in mine for the *Acts* on either side are not in this Case of such Authority as the *Laws and Customs of Elder Times*, when there was no such Warlike Competition, no variety of Fortune to alter the Tenor of the *Laws*, but what was done was the free Sense of the Nation.

There never was a greater Falsity told by Man, than when our Author affirms, that the *Percies* submitted and swore to *Henry* to save their Lives and Fortunes, p. 89. Again p. 90. *The Assistance given to Henry IV. by the Percies, by which he was enabled to seize the Crown, was purely the effect of that Confidence they reposed in his Promise and Oath, that he would never dethrone Richard.* So notoriously false that I am ashamed to find such Assertions even from a *Jacobite*, who is a *Briton*, as much as a *Jacobite* can be so. We have observ'd already that it was one of the *Stipulations* of the Lords who invited the Duke of *Lancaster* to come to their Relief,

Relief, that expelling King Richard as a Man not meet for the Office he bare, he would take upon him the Scepter, Rule and Diadem of his Native Land and Region, Holingshed p. 497.

With what Face then could our Assertor say, that King Henry by a Trust so notoriously broken and abused, did authorize these Gentlemen to seek for Justice by Arms? Will he deny that the Percies were not some of the Nobility as well as Prelates, who signified by Letter to Duke Henry to convey himself with all convenient speed into England; promising all their Power Aid and Assistance to expell King Richard, He had not been long in England, before the Earl of Northumberland and Hotspur his Son join'd him at Doncaster. The Earl of Northumberland was the Man whom Henry sent to seize the Person of Richard at Conway. To this purpose the Earl perswaded him to go and meet Henry of Lancaster, to end Matters in a friendly way.

King Richard trusting to his fair Offers, left the Castle of Conway, and fell into an Ambuscade laid for him by Northumberland. When he came to the Place where the Ambushes were lodged, says my Historian, and being entred within danger of them before he was aware, he shewed himself to be sore abashed; but now there was no Remedy, for the Earl being there with his Men, would not suffer him to return, as glad he would have done if he might.

Here is a Loyal Earl for you, a Champion of the Divine Right of Kings, who had the Title of King Richard and his Heir so much at Heart. He happens to be the Man who seiz'd that King's Person, and deliver'd him to Henry of Lancaster, of Force was he then constrain'd to go with the Earl. This Noble Nonresisting Lord, this Zealous Defender of Hereditary Right, this very Earl of Northumberland was the Man who took a Promise of King Richard at Conway, that as insufficient to govern, he would resign the Crown, as the Committees of Lords and Commons sent to take King Richard's Resignation, when he was in the Tower, declare,

and

and that he then resign'd pursuant to the Promise he had given the Earl at Conway, and the Earl demanded the Performance of that Promise. The Words of the Report are, *It was rehearsed to the King by the Mouth of the aforesaid Earl of Northumberland.* With what Front therefore can this bold Assertor dare affirm, that *Northumberland* and his Family's Rebellion against *Henry* was for his accepting of that Resignation, which the Earl made him promise to make at *Conway*, and to perform that Promise in the Tower?

At the Coronation of *Henry IV.* the Earl of *Northumberland*, as I have observ'd, officiated as Lord High Constable, and his Brother the Earl of *Worcester* officiated as Lord High Steward, in the room of the Lord *Thomas*, King *Henry*'s second Son. To *Northumberland* was also given the Isle of *Man* by this King, and till the Difference about the Ransome of the *Scots* Prisoners, the *Piercies* had nothing at Heart but to make an Advantage of that Revolution, in the accomplishing of which they had so great a Hand; yet notwithstanding the Fact is so strong against him, the Assertor concludes what he has to say of this Rebellion of *Percy's* with affirming, *That the true Cause of their Quarrel against Henry IV. was, that he was an Usurper, and they believ'd it to be their Duty to place the Rightful Heir on the Throne.*

My Author having by all these wretched ways endeavoured to prove, that the Right of Heirship was the only Title allow'd of in these Times, when the Possessor and his Heirs were all set aside; and taking Notice of the Oaths that were taken to the Parliamentary Kings, insinuates what he would have all thole that have sworn to our present Sovereign do. *If it has been the Custom to take such Oaths,* says he, *we should remember it has been likewise the Custom to break them.* Excellent Doctrine this! And to our great Misfortune, there are too many that shew a Tendency to embrace it.

As to the Troubles *Henry IV.* met with in his Reign, on which this Writer insists so much as a Proof, that his Title was not approv'd of, Who, I pray, was the occasion of them? The Report he says that was spread of King *Richard's* being alive after he was murder'd, and the Mutiny that ensu'd, were the doings of the Priests, especially the Fryars Minor, eight of whom were executed at once for Treason. And the Truth is, as has been already hinted, the Bigots were afraid that the Son of *John of Lancaster*, who protected *Wickliffe*, would not make a King for their purpose. When he told us that *John Trevor Bishop of St. Asaph*, one of the High Flyers of those Days, deserted to *Owen Glendour*, he should have been so fair as to have given us the Reason. It was not out of Conscience, but in hopes of Advantage, *Holinshed* tells us, *That this Bishop Trevor considering with himself how Things prosper'd in Owen's Hand, fled to him, and took his Part against the King.*

That the Earl of *Northumberland* submitted chearfully to King *Henry* at his first coming to *England*, that he contributed more than any one to make him King, has been prov'd already, that he ungratefully rebell'd, upon a Difference with his Master about the Ransome of some *Scots* Prisoners taken by him and his Son, and did not take Arms to defend the *Hereditary Right*, has also been demonstrated as plainly as History can demonstrate a Thing.

Our Assessor is as false, in pretending that *Archbishop Scroop* rebell'd against King *Henry* on the same Score. It has been customary for all Rebels, whatever have been otherwise their Traiterous Purposes, to pretend to take Arms for the Right of some injur'd Prince, to give a colour to their Rebellion and encrease their Party. *Bishop Scroop* did indeed get a Horseback, and put himself at the Head of the *Yorkshire* Rebels; but why did he rebel? History tells us over and over again, without mentioning one Word of *Mortimer* and his Divine Right, because

because not only the Commonalty of the Realm, but also the Nobility found themselves grieved. Hol. p. 529. Again the Nobles and Commons being allur'd, either for Desire of Change, or else for Desire to see a Reformation in such Things as were mentioned in the Articles. ib.

When the Archbishop met the Earl of Westmorland, who headed the King's Men, the Earl demanding of him, for what Reason he appear'd in Arms; does he say, to advance the right Heir to the Crown, no not a Word of it. He says, it was for Fear of the King, to whom he could have no free Access, by reason of such a Multitude of Flatterers as were about him, and therefore he maintained that his Purpose to be good and profitable, as well for the King himself as for the Realm.

'Tis very plain this High-flying Prelate and his Accomplices rebell'd, to procure a Change of the Ministry; and whatever he thought of the Divine Right wou'd have been satisfy'd with a Reformation of Things according to his good liking: For the Earl of Westmorland deceiving him with the Promise, that Matters should be so order'd, and Grievances complain'd of redress'd, they immediately shook Hands, and the Archbishop command'd his Men to depart every Man to his Home in Peace.

The Truth is, this Archbishop's Brother, the Earl of Wiltshire, had been Lord Treasurer under Richard II. a great Favourite and Minister. When the Duke of Lancaster came to Bristol he took him Prisoner, and had his Head struck off for his Male Practices in the Ministry; and the Earl-Marshall, who joyn'd with the Archbishop, was Son of that Thomas Moubray, Duke of Norfolk, who had been banish'd the Kingdom on Account of his Quarrel with Henry, then Duke of Hereford. Thus the Hatred of these two Rebels to the King was Personal, and their Loyalty to the Right Line Pretence only, as appears by what has been said on this Head.

He

He wou'd frighten us from defending our Liberties, and doing Justice to the Constitution; by the Troubles that *Henry the IVth's Reign* was attended with. It has been shewn who were the Occasion of those Troubles; but let him be remember'd, that there was more Noble Blood spilt, and more People murder'd by the Sanguinary Executions in the Tyrannical Reign of *Richard II.* than there were *Englishmen* kill'd in all the Troubles of the Reign of *Henry IV.*

He foolishly calls the obstinate Dispute of the *Welsh* for Liberty, a *Spirit of Resistance* against a Revolutionary King, whereas there was nothing of that kind in it. The *Welsh* in the Reign of *Henry III.* and the Reign of *Edward III.* threw off the *English Yoke*, and fought for Freedom; at which Time those Kings had the Hereditary, as well as the Parliamentary Right, the Cousin of the one, and the Father of the other, being dead. Indeed the *Mortimers* being their Neighbours, and the Duke of *York* marrying the Heir of that House, they sided with the Earl of *March*, afterwards *Edward IV.* in his Contention for the Crown with *Henry VI.*; and for the most part favour'd the *York* Title: Not but that by Means of the *Tudors*, the House of *Lancaster*, who had the Parliamentary Right, had also a considerable Interest in *Wales*. The Commotions that disturb'd *Henry the IVth's Reign* were chiefly, as an old Historian tells us, for that he was constrained to charge the People with Taxes, Tallages, Subsidies and Exactions: Which never fail of creating Disturbances when the Money rais'd by it is not for a *French War*.

King *Henry* dying, during the Life of *Edmund Mortimer*, and his Sister *Anne*, Countess of *Cambridge*, who held the Hereditary Right by Descent from the Duke of *Clarence*, as is before-mention'd, *Henry V.* succeeded, and in him the Hereditary Right from his Father, who dy'd in Possession of the Kingdom, depended entirely on the Parliamentary: But the People of *England* seem'd to

take no Notice of Mortimer's Title, and to make no Distinction between Parliamentary and Hereditary. 'Tis true, the Earl of Cambridge, envious of the Grandeur of the House of Lancaster, did, in the 3d Year of this Reign, set up the *Divine Right* in favour of Edmund, Earl of March, whose Sister he had marry'd. But how did he attempt it by the base and cruel Enterprize of an *Assassination Plot*? For Charnock's is by no means the First of that kind which has been contriv'd by these *Hereditary Right Men*. France has always been their Friend, and they Friends to France.

The brave King Henry was just about embarking for the Conquest of that Kingdom, when he discover'd, that Richard Earl of Cambridge, the Lord Scroop of Masham and others, had conspir'd his Death. Scroop was so much in his good Graces that he had the Treasurer's Staff; nay, he was often admitted to be the King's *Bedfellow*: Yet the ungrateful *Fire Divino* Favourite ingag'd in a Conspiracy to murder him basely. Who was it that set them on? why in truth the French King, and not their Loyalty, nor the Instigation of Conscience to defend the Right Divine: 'Twas, as Holinshed says, for a great Sum of Money they receiv'd of the French King.

Here's your Men of Principles, your Loyal Englishmen, Men who cannot endure the least Interruption in the Lineal Descent, nor resist without Damnation: But they can betray their Country to the French, they can assassinate the *Anointed* of the LORD; they can set up Impostors, tho' never so notorious Cheats; For these Conspirators had conspir'd to bring forth one Thomas Trumpington, who was like the last abdicated King Richard, and to pretend it was that King himself, tho' he had been 10 Years in his Grave: Nor had they contriv'd to murder the King only, but also his Brothers, the Dukes of Bedford and Gloucester: And whatever Pretence they made use of in behalf of Mortimer, 'twas

twas to serve the French King that they undertook this Bloody Work.

If these Champions of the *Divine Right* are not set out as Examples for their Successors of the same Principles, what Use wou'd the Assertor make of his History? and what rare Examples they are let every English Reader judge?

The Opinion the Nobility and People of *England* had of *Hereditary Right* on *Henry V's* Succession to the Throne, appears by *Archbishop Chichely's* Speech to put him upon the Conquest of *France*. For, notwithstanding he knew very well who were alive of the *Mortimer* Heirs, yet he told him, *The whole Realm of France, by undoubted Title, appertained to him, as to the lawful Heir, and only Heir of the same, as Heir to his Great Grandfather, King Edward the Third.* The *Archbishop* made no doubt but that the *Laws* constituted him his Heir, better than *Eldership* could do, and therefore calls him so in direct Terms: Which one wou'd think shou'd have some Weight with our Author, so staunch a Churchman, coming from the Mouth of a Bishop, and a *Persecuting* Bishop too.

I do not pretend to answer him, as to what he says by way of Argument, about *De facto* and *De Jure*: I make no Distinction; if I did all the Pain I have taken wou'd be impertinent: For having fairly and fully prov'd, by the most unquestionable Authority, that the *Hereditary Right* has never been so asserted by our Constitution, but that it has been often interrupted in the most solemn Manner, and much more often than it has taken Place. It follows of Course, that the *Necessary Means* us'd at the *Revolution*, are always lawful, in Cases of such Extremity; that the *Possessor* may be *Abdicated*, and a Successor appointed by Parliament, and that such a Successor is King, both *de Facto* and *de Jure*: and every Act of War done against him is *Rebellion*, and every impudent Argument against his Title, *Treason*. And consequently, of the same kind was all that the *Mortimers* or *Merkes* did

against the House of *Lancaster*, the Rightful and Lawful Sovereign of *England*, till *Edward IV's* Accession to the Throne, who had another Title besides a Divine One, which he built most upon, as will be shewn presently, tho' our Author so industriously endeavours to conceal it.

I shall not meddle with the Duke of *York's* swearing to King *Richard*, his serving him, and then breaking his Oaths and setting up for himself; whether 'twas lawful for him to break the many sacred Oaths of Allegiance which he took to *Henry VI.* Son of *Henry V.* or not, is not at all to the Purpose. King *Henry* the VIth's Father and Grand-father came to the Crown, by the same Right that our Kings us'd to come to the Crown, which I have prov'd as far as a thing is capable of Proof by *Facts*. And for him to conspire against his Sovereign, under Pretence of being Son of *Richard Earl of Cambridge*, by *Anne*, Heir of *Mortimer* and *Clarence*, was Treason, was so declar'd to have been, and as such he wou'd have dy'd for it, as his Father did before, had not the Rage and Treachery of his Faction so divided the Kingdom, so strengthen'd the *French*, and so weaken'd the *English*, that 'twas no hard Matter for a Pretender to make his Way to the Throne.

This Case is truly stated in a Treatise call'd, *The Life and Reign of Henry VI. &c.* Wherein it will appear, that by a Treaty with *France*, and the Confusion the *York Family* made in *England*, the *Lancastrian Interest* sunk, and that of *York*, which was before desperate, rose on its Ruins; or we never, in our Reading, had met with the *Rolls of Parliament* of *Edward IV, &c.* that are so often quoted by the Enemies to Liberty; to which the *Yorkists* were never Friends, because they cou'd not advance themselves, but by trampling upon it, and breaking the *Lancastrian Constitution* to Pieces.

I have in the former Pages observ'd, that *Edmund Mortimer, Earl of March, the Earl of Cambridge, and the Duke of York*, who only could pretend

pretend to the *Divine Right*, did submit, ac-
knowledge and swear to the Parliamentary Right
of *Henry IV.* and his Successors, Son and Grandson.
My Author on the contrary all along affirms, that
they maintain'd their Title, which lay dormant
Sixty Years. How does he labour that Point of
Mortimer's joining with Glendour to assert his Right by Descent. Again, I have a further Proof so in-
contestable, that I am satisfy'd every modest Reader
must cry out shame upon him; and that is the
Testimony of *Richard, Duke of York* himself, in the
Speech he made to the Parliament when he claim'd
the Crown, wherein is this Passage, *Edmund, Earl*
of March, my most well beloved Uncle, in the Time
of the first Usurper indeed, but not by Right, call'd
Henry IV. he being then in Captivity with Owen
Glendour the Rebel in Wales, &c. If he was a *Con-*
federate how came he to be a *Captive?* If *Henry IV.*
was an *Usurper*, how came *Glendour*, who, as the
Assertor pretends, fought for the *Divine Right*, to
be a *Rebel?* There is no end of their Inconsist-
encies. From the greatest of them to the smallest,
they deal in nothing but Absurdities, Incoherences
and Contradictions, and it cannot be otherwise.
Liberty is the Child of Truth, Slavery the Offspring
of Error, and those that profess the one or the other,
will always be found to have a Resemblance with
their Original.

What signifies his Parliament Rolls of *Edward IV.*
let him read the Rolls of 38 *Hen. 6.* where he will
find *Richard, Duke of York* and his Son *Edmund, Earl*
of Rutland attainted, and those even of 10 *Edward IV.*
where he will find that King himself adjudged a
Traytor and an Usurper of the Realm. All the Laws
made in King *Edward's* Time are repeal'd, and the
Crown settled on King *Henry's* Heirs. To mention
Rolls of Parliament in Times when the Sov-
ereignty was sometimes in one hand and sometimes in
another, or when Power prevail'd, and the force of
Law was pointed against the weaker Party, is ridi-
culous

culous. What could *Edward IV.* do otherwise than to have his *Ancestor's Right asserted?* What could *Henry* do otherwise than to have his own *Right asserted*, when the *Parliament* was at the disposal of either of them?

He slurs over King *Edward IV.*'s Accession to the Throne, but I shall remember him of the manner of it, and that though this King had the *Hereditary Right*, as our present Sovereign also has, yet he valu'd highly, if not prefer'd his *Parliamentary*. After the Earl of *March* had beaten the *Welsh* and *Irish* at *Mortimer's Cross*, and was gotto *London*, he call'd a great Council of the *Lords Spiritual and Temporal*, by whom the old Chronicler says. King *Henry* was depriv'd of all *Kingly Estate*, and incontinently was Edward Earl of *March*, Son and Heir to *Richard Duke of York*, by the *Lords* in the said *Council assembled*, named, elected and admitted for King. The People were also assembled in *St. John's Field*, where the Lord *Falconbridge* demanded of them, Whether they would have King *Henry* to rule and reign any longer over them? To whom they with a whole Voice answer'd, *Naic, Naie.* Then he asked them if they would *Serve, Love, Honour and Obey* the Earl of *March* as their only King and Sovereign Lord. To which they answer'd, *Yea, yea.*

The same Election was repeated at his Inauguration in *Westminster Hall*; and *Polydore Virgil* says, he was created King by the Parliament which he had call'd, and no wonder such a Parliament should disown and abolish all King *Henry*'s Acts (1). But as I have said King *Henry* got possession of the Throne again, and a Parliament did the same by King *Edward's*

(1) Convocatoque more majorum concilio, statim post ad Westmonasterium ad III Kalend. Iulij, rex creatur, dein ex ejus Sententia omnia Henrici regis constituta repudiantur, rescinduntur, tolluntur.

ward's Laws (2), and declar'd him an *Enemy to his Country*. Another Parliament some time after confirm'd Edward's Acts, and repeal'd Henry's. Fine Rolls these for our Assertor to build his *Hereditary Right* on in favour of the House of York.

One cannot imagine that Richard III. who put by and murder'd his two Nephews to obtain the Crown, his Niece King Edward's Daughter *Elizabeth*, being still living, can do any Honour to *Hereditary Right*, tho' that Usurper was so fond of it, that he Bastardiz'd all his Family, and made a Whore of his Mother to make himself a Claim by it. Let the *Jure Divino* Men make the most of this Monarch, who did pretend to the Right by Descent, his Practices to obtain and keep the Crown are agreeable to those of their Favourite Kings, and so let them take him with his *Hereditary Right*, King Edward V. his Brother and Sisters being all living when he usurp'd the Throne.

Upon Henry VIIth's Accession to the Throne, he was so far from affecting an *Hereditary Title*, that though he had agreed to marry the Heir by Descent, the Princess *Elizabeth*, Daughter of Edward IV. before he assum'd the Sovereignty; yet before he would proceed to the Marriage, he would have the Kingdom confirm'd to him by the Parliament.

Polydore says he was created King by the (3) Command of the Nobility and People, by which Command nothing can be understood but *Election*; and as a very learned Writer assures us, *He seem'd to lean his whole Title upon it*. He could have none by Descent, his Mother the Heir of the House of *Lancaster*

(2) *Edouardus Patria hostis declaratur, quod regnum Occupasset, —— deinde omnia decreta, constituta, acta ipsius Edouardi rescinduntur.*

(3) *Henricus principum atque populi iussu, rex Creatur.*

castor being living, neither had he marry'd the Princess *Elizabeth* the York Heir. Conquest was too odious a Title for him to stand by, and the Donation of the Pope, a Jest. His Election was, as the Lord *Verulam* informs us, what he rely'd upon, and had ever an Aversion to his Wife's Right, as might have been seen by his Usage of her before and after Marriage.

However, our Assertor assures us in his Introduction, *That there was not any King who would not have prefer'd Hereditary Right to all other Titles.* Here you see is a King, as wise a one as ever sat on the Throne, who had all the Titles a Prince could have, Conquest, Descent, the Pope's Donation, and yet he stood by his Parliamentary Right, though indeed the Disputing of such Things is what Princes are very delicate in, and never love to have their Title bandy'd about or search'd into. This Delicacy, may, in a great Measure, be said to be the occasion that the Imposture of the Pretender was not expos'd soon after the Revolution; for the Parliament having settled the Crown, there needed no Process of that kind, it being indifferent to the Constitution whether he is, or is not an *Impostor*.

If King *Henry*, who might have marry'd the Princess *Elizabeth*, and in her Right have held the *Hereditary Title* when he pleas'd, chose rather to hold it by an *Act of Settlement*, than by the undoubted *Hereditary Title* of the Princess *Elizabeth*, 'tis certain he took it to be most Legal Tenure, and thought the *English Nation* did so take it. The number of *Impostors* which the *Right Divine Faction* plagu'd this Kingdom with in that Reign, shews their Honesty as well their Loyalty.

I must not omit taking Notice of one Event, of which something has been hinted in the foregoing Pages, and that is, the Submission of all the Heirs of the House of *York* to the Possession of the House of *Lancaster*; for though that Possession being con-

confirm'd by Parliament, I do not look upon that Submission of theirs to have any weight in this Argument; yet because I will, as far as I can, expose the Prevarications of our Assertor, I shall instance in *Richard Duke of York*, who afterwards pretended to the Crown, who was so far from making any Dependance on the Right of his Ancestors, that his Father, the Earl of *Cambridge*, having lost his Head, as has been before mention'd, himself was created Duke of *York* by *Henry VI.* and having made mention of that Creation, I must take Notice of what the same Author says of the Repeal of all the Regal Acts of the *Henry's of Lancaster*; for the Creation of Peers being one of the most Regal, it is certain that both the Dukes of *Buckingham* and *Suffolk* held those Titles under the House of *York*, which had been given them by that of *Lancaster*; but there would be no End of it, if we should go about to instance every Proof of this Nature, for there does not appear any *Regal Act* repeal'd, which these *Henry's* did, except it was in direct Opposition to the Pretences of the House of *York*.

The Treatment *Henry VII.* meets with from him, is purely on account of that King's Contempt of the *Hereditary Right*, which, as marrying the Heires of *York*, he might very well have pretended to, but he would never do it. He assum'd the Title and Office of King, on his Victory at *Bosworth*. He had agreed to marry the Princess *Elizabeth*, Daughter to *Edward IV.* but he would not do it till he had got the Parliament to pass an *Act*, settling the Crown on the Heirs of his Body, not by her only, but by any other Wife he might have, to the Exclusion of the Line of *York*. This *Act of Settlement* is so short, that it will not be disagreeable to the Reader to see it.

Be it Ordained, Established, and Enacted by this present Parliament, that the Inheritance of the Crown of this Realm of England, and also of France, with all the Preeminence and Dignitie Royal to the same appertaining, all other Seigniories to the King belonging beyond the Sea, with the Appurtenances thereto in any wise due or appertaining, shall rest, remaine and abide in the most Royal Person of our now Soberegne Lord King Henry the Seventh, and in the Heires of his Wodle lawfullie coming perpetuallie with the Grace of God so to endure, and in none other.

I have observ'd already that our Author has affirm'd all our Kings who had an *Heditary Right* prefer'd it before a *Parliamentary*, here's another notorious Proof to the contrary. *Henry* might have marry'd the Princess *Elizabeth* when he pleas'd; and by that have had the undoubted *Heditary Title* in Right of his Wife; but he would not depend upon it. He prefer'd an *Act of Settlement* to it, and did not marry till some Months after that *Act* had settled the Crown on himself, and on his Heirs: For this the Altertor ow'd him a Spite, and therefore says he of him, p. 157. *How could he declare the Acts of his Predecessor void upon account of his being an Usurper, when he knew he was no better himself.*

He had a fair Opportunity to have mention'd this A& himself, when he tells us of King *Henry's Right by Conquest, by Descent from John of Gaunt, by the Pope's Donation*. He does not give the least hint of this *Parliamentary, this Revolutionary Title*. He knew it would be quite contrary to his Design, and therefore carefully avoided saying any Thing of it.

I am come now to the most daring Passage of hi^s Book, which we have yet met with, so full of Treasonable Suggestions that 'twill be impossible for his Advocates or Jury to bring him off, if the one have any Modesty and the other any Conscience. It is not to be doubted, but every Word he or any of his Faction say, in behalf of the Lineal Descent, is intended in behalf of the *Pretender*, who, according to their odious and exploded Principles, cannot be look'd upon by them, but as the true born *Heir*. Against his Insolent Pretences we have several strong Acts of Settlement, by which the Illustrious House of *Hanover* is to succeed, and our Author's attainted Heir is for ever bar'd the Succession; yet because *Edward IV.* did get Possession of the Kingdom after the three *Henry's* had held it Threescore Years, see what he threatens us with, *No Acts of Limitation*, says he, could ever yet effectually exclude the next *Heir by Proximity of Blood*, but sooner or later Providence has hitherto ordered it that those who were first in the Line of Descent have at length gain'd the Crown.

Did you ever meet with so incorrigible an Afferter? What became of *Edgar Etheling*? What of *Arthur of Bretagne*? Who were both the next Heirs to the Crown of *England*, and both left Heirs, yet neither *Edgar* nor *Arthur*, nor their Heirs ever gain'd the Crown, but liv'd and dy'd errant Pretenders. He says, that the States never meddled with settling the Crown before *Henry IV.*'s Time. I think I have instanc'd in a hundred Precedents before that Reign in the preceding Pages. He further says, *None but Kings de facto, stood in need of such Acts*, and we have seen that *Henry VII.* whom he himself owns to be a King *de Jure* by Marriage, would have such an Act. What shall we do with such Arguers? Is it not a great happiness to our *Constitution*, that the Enemies of it make use of no Weapons, but they all turn against them, even in their own Hands.

I might now examine what he says about King Henry's VIII's Will, but forbear it chiefly because guessing a little at what he would insinuate by it, I look upon it as a Chimera, or flight of Despair; and besides, I cannot see what a King's giving away the Crown to the House of *Suffolk* by Will, in prejudice of the Royal House of *Stuart*, has to do with the *Unalienable, Unalterable Succession*, so much insisted upon by this Writer, and his Brethren.

I cannot help taking Notice of a Digression of his, reflecting on a Dignitary of our Church, who wrote the *Complete History of England*, and his threatening the World with some Works of an Anonymous Author to expole it. If it is only to vindicate the Times he is so much concern'd for, he and his Critick may write as many and as large Volumes to as little purpose as he has asserted the *Hereditary Right*. There are, I can assure him, other Histories, as well in Print as preparing for the Press, wherein a thousand *Truths* are and will be told, tending to prove what he would endeavour to justify the Male-Administration of that Period, which neither he nor his *Examen Historicum* will ever be able to get over.

God be thank'd the writing of Histories is not to be engross'd by any Set of Men. There will always be a *Tacitus* and a *de Thou*, who know and dare speak the Truth, Posterity will have Curiosity to read and Justice to consider it. The Grave is a Defence against Power, and even *Wycliffe* himself, who was the Butt of the High Flyers of his Time, did not suffer much by being burnt Thirty or Forty Years after he was dead. Let us see this doughty Performance as soon as he pleases. His Faction cannot write but to expose themselves, and the *English* are not a Nation to be impos'd upon by Sophistry, Fiction and Insolence. His Eye witness of the Facts of that Period, are, doubtless, of the same Stamp with the Eye-witnesses of the Birth of his Heir, and their Testimony will go no further than the Evidence of those who

who, if they had been in Confederacy to do it, could not have left a Matter more suspected.

As to the *Complete History of Europe* : If this Writer had ever read it, he might have observ'd, that the Historian has not fall'n into any Error, but out of a scrupulous Delicacy, to say nothing himself of Persons, to whom the Laws commanded so much Reverence while they were at the Head of them. He has made use even of the Words of others, in most Places, and directed you to his Originals, purely to avoid giving Offence to Readers, of such severe Loyalty as himself, who cannot bear, that the *Truth* shou'd be said of Dignities. The Reverend Author of that History cou'd not but be acquainted with Facts enough for a Fourth *Folio*, all of the same bad Kind as those that have offended our Assertor, which his Discretion wou'd not let him make Publick, there being certain Events that will not endure to be set too near the Light: And certain Characters that may not be expos'd till they are almost forgotten.

Do these Men flatter themselves, that they can impose upon Futurity as they have impos'd on the present Age. If we shou'd live under one of their Hereditary Popish Monarchs, we may, perhaps, have another Set of *Folio's* of the *Grand Rebellion* of 1688. And by some Historian, who had no considerable Share in the Publick Affairs of the Times he writes of. Our Comfort is there is a History of thole Times prepar'd by an Historian of such high Reputation, that all these Dablers in it can hope, is to live no longer than the Faction that gives Birth to them.

I have not a little wonder'd what Good it wou'd do our Author, if he cou'd prove Henry VIII's Will to be as Authentick as he wou'd have it ; unless it be to shew us a List of Lords and Ladies, that may pretend to a Right to something by it : Whereas the Descendants of the Royal Family of the *Stuarts* are so numerous, that the Reversion of their Lordships and Ladyshys is worth no more than a Feather. It adorns, but does not enrich them.

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To detect this Man in any of his Prevarications, Misrepresentations, Fallacies, and the like, wou'd be to little Purpose, since he and his Brethren are not to be mended by Reproof, but place all their Merit in *Asserting*: When he writes Treason against the Revolutionary Title of King *William*, Queen *Mary*, and Queen *Anne*, and against the Protestant Succession in the Illustrious House of *Hanover*, we shou'd never fail to lay him open, and shew the World with what Impudence the Enemies to our Constitution affront it. It is evident, says he, p. 109, that no Precedents have hitherto been met with of Parliamentary Entails, that have long prevail'd against those that have claim'd by *Common Law*. If this is not direct Treason, by the Act that determines the speaking and writing against the *Hanover* Succession to be so, at least a Treasonable Suggestion, which deserves Exemplary Punishment, I will never pretend to understand a Statute again: One or two Examples of National Justice, upon such insolent Offenders, wou'd strike them dumb for ever; tis Forbearance only that makes them impudent. They have really no more Reason, than they have Power on their side, and the British Liberty cannot be better asserted than by giving due Chastisement to those that are in Conspiracies against it.

I own my self oblig'd to him for one Piece of History, which I confess I was not so well inform'd of before: I knew that *Mary Queen of Scots* was a rank Papist, but I always thought that our King *James I.* had been bred a Protestant, and never profess'd the *Romish Religion*: But the Assertor has taught me better, and I find King *James I.* had been a Papist too in his Time, as well as others of his Kindred; for he tells us, That Queen *Elizabeth* let him know, that while he continu'd of the Popish Perswasion, he must not hope for her Friendship.

When I read what he replys to Dr. *Higden*, about Queen *Mary's*, and Queen *Elizabeth's* Parliamentary Title, I cou'd not but be extreamly edify'd

fy'd to find how he advances *Doctors-Commons* above *Westminster-Hall*, and sets the *Canons* before the *Statutes*, p 214. Where he says, that notwithstanding the Act of Parliament by which Queen *Mary* was illegitimated, the *Canon-Law* determining her Father's Marriage to be lawful, *she must be look'd upon as lawfully born*: This is what these Men wou'd lead us to. If they cou'd bring us once to be try'd in their *Spiritual Courts* they wou'd soon gain their Ends of us. This Point they may labour as much as they please, they will never be able to carry it, nor any other, I hope, that is against the Interest of their Country, which every thing they meddle with must be, because they are in the Interest of *France*, and the *Pretender*, of Property and Slavery.

Tho' the *Chevalier de St. George* is at *Bar-le-Duc* yet we are not to think, according to the Argument of the *Assertor*, that we are discharg'd from Subjection to him: For he assures us, *Allegiance may be due to a King in a Country where the Laws of England are of no Authority*. Again, *A King of England, tho' he be out of his Dominions, still retains a Right to the Allegiance of his Subjects*. Will he say, he meant that the Subjects of *England* ow'd Allegiance to King *William* when he was at the *Hague*, at *Loo*, or in *Flanders*; was that this Gentleman's Meaning? Or does he not all along intend King *James*, and the *Knight of St. George*? Let the Reader judge for himself, and his Jury for themselves: But let us all remember that our Liberty and Religion are Things too sacred to be trifled with, and that the *British Constitution* is not to be insulted with Impunity.

After so many Precedents given by me of Alterations made by Parliaments in the Lineal Course of Succession, and after so many Acts of Settlement now in Force making it mortally criminal to question the Authority of Parliaments in such Cases, the *Assertor* has the Assurance to say, *I wish the Doctor wou'd shew us where he finds it in our Constitution that the Subjects can transfer their Allegiance whenever*

ever they think it proper : To bring this Matter to a Point I shou'd be glad to learn from the Doctor, whether the Parliament, which declar'd Richard II's Throne vacant, and plac'd Henry IV in it, were Subjects or not. Does not this demand, as plainly as ever Demand was made, whether the Convention that declar'd King James II's Throne vacant, and plac'd William III. in it, were Subjects or not? He affects the Term *Vacant* to serve his Treasonable Purpose : He will not enter into the Depth of the Question, no more will I. It has been answer'd a thousand times ; and the Debate of the Necessity, and consequently the Justice of Subjects transferring Allegiance in such Cases as the Revolution, is so stale and so useles, I will not now be drawn into it. When the Condemn'd Doctor was try'd the most eminent of his Council acknowledg'd the Right of Subjects not only to do so, but to use the *Necessary Means* to accomplish it.

Before I have done with him I shou'd Animadvert on his *Scripture History*, and his *Roman History*: But besides that I expect it from another Hand. Can any thing in the World be more preposterous than to assert the *Hereditary Right* from the latter, especially where the Succession appears, not only to be by *Election*, but that *Election* to be *Military*.

I cannot part with him till I have talkt a Word or two about the Notion our Neighbours, the French, have of the *Divine, Hereditary, Unalterable, Unalienable Right* of Inheritance. Sure the Customs and Laws of Countries are to be consider'd first in these important Things, otherwise how can this Doctrine agree with the Fundamental of their Government, to exclude all Females. The *Salick Law* gives a mortal Blow to the *Right Divine*. And if a Female Heir may be excluded on Account of Sex only, well sure may a Male Heir be so serv'd, on Account of Tyranny : But the *French* have not always kept themselves to any one Rule in their Succession ; sometimes their Successors have claim'd in Right of the Female Line, and sometimes have their

their Possessors been remov'd, for want of Justice or Capacity.

I do not make this Digression, concerning the French, because I think their Example ought, in any thing, to have any Influence upon us ; but because their Maxims and Politicks are what the Aſſertor and his Faſhion are enamour'd with, as the only Means to enslave their own Country.

By what Title did *Pepin* ſucceed *Childerick* to the Crown of *France*? That of *Election* was too Republican ; and indeed 'tis what is never look'd on as a Complement by Princes : He therefore asserted his Right, as descended of *Blithild*, Daughter to *Clotaire* 1ſt. Tho' one wou'd think 'twas a little preposterous in him to prefer a Title which was ſo evidently againſt the Custom of his Country, to one which never made any Monarch unhappy, or uneasy. If the States had not Power to make him King they had none to ſet aside *Childerick*: However, we ſee, by his Claim in Right of *Blithild*, that the *Salick Law* is liable to Alteration as well as others; and by *Childerick*, that Thrones have been declar'd *Vacant* in *France*, as well as in *England*.

The next Interruption, in the Lineal Descent in *France*, was made by *Hugh Capet*; from whom the present French King descends. *Hugh* invaded the Crown, to the Prejudice of *Charles of Lorrain*, Sole Heir of the Line of *Charlemagne*, from whom the present Duke of *Lorrain* pretends to be descended : But *Hugh Capet*, as well as other Princes, not being willing to own he held his Sovereignty, by any but a *Divine Right*, as they call it, claim'd it as descended from the Lady *Lingard*, great Granddaughter to *Charles the Great*; and *St Lewis* coming afterwards to the Crown, had ſome Scruples of Conscience about the detaining it from the *Lorraine* Branch, till at laſt he was ſatisfy'd, by being inform'd, that *Isabel*, his Grandmother, was descended of the Lady *Ermengard*, Daughter and Heir to the Duke of *Lorraine*. Here again is the *Salick Law* laid aside, and two Hereditary Princes laid aside;

the one for Male Administration, the other, as was the Duke of *Lorraine*, for being in a Foreign Interest, that of the *Germans*, which the *French* thought opposite to their own.

I might give other Instances out of the *French* History, but I chose these Two: For that they broke both Laws at once, the *Salick*, and the *Jure Divino*; than which nothing can make more for the antient Liberty of that Nation, which has now lost the very Remembrance and Name of it: And so shou'd we too, if we cou'd be deceiv'd by such false *Assertors* as I have been dealing with, whom I shall not leave till I have given him some *French* and Popish Authorities against all that he has been asserting, not doubting but they will have more Weight with him than any Argument.

In the Reign of the present *French* King a great Question was started between Father *Le Cointe*, and the Doctors of the Court of *Rome*: The latter pretending the *Franks* did not deprive King *Childerick* of the Royal Title, but by the concurring Authority of Pope *Zachary*. The other, *Le Cointe*, refuted this Opinion, as a meer Legend, maintaining, that the Deposition of *Childerick* was perform'd by the sole Authority of the States of the *Franks*.

This is confirm'd by *Papabrochius*, the famous Compiler of the Lives of the Saints, who owns it is not improbable that Pope *Zachary* never so much as consented to this Deposition, because the whole Body of the Nation judg'd it just and necessary: " For it was no new Thing, says
 " he, for the *Franks*, when they had dispatch'd
 " any of their Kings, or thrust them into Mona-
 " steries, to substitute others in their room, such
 " indeed as were of the *Merovingian* Line; yet
 " not always those that were the next Heirs in a
 " Right Line of Succession, as is evident to any
 " one that reads the History of *Gregory of Tours*,
 " stuf'd with Royal Tragedies and Revolutions,
 " wherewith the Popes never concern'd themselves
 " or enquir'd into the Right and Title of those in
 " Possession

" Possession of the Throne, by what means soever
 " they got it. If Pope Zachary had undertaken to
 " oppose Pepin's Election, it would have been to
 " no purpose against the unanimous Resolution of
 " the whole Kingdom."

I shall conclude this Head with a more modern Story: When the Duke of York's Abdication had like to have been prevented by an Exclusion Bill, Mr. Savil was then Ambassador at the Court of France, and being press'd very hard by some Courtiers about that Bill to exclude the Duke the Succession, he silenc'd them at last, by demanding of them, *Whether they would admit the Dauphin to be King in case he should turn Hugonot?* They could not deny but they should rather endeavour to transfer their Allegiance to the next Popish Heir. This is the Sense of all Nations. There being not a Nation in the World, so Enthusiastical in their Politicks, as the Nation of Jacobites and their Abettors.

A S T A T E of the Succession in England for Four Hundred and Fifty Years.

Kings Reigning.

*In whom the Hereditary
Right was.*

Canute the Dane,

Edwy and Edward the Outlaw, Sons of Edmund Ironside.

Harold,

Ibid.

Hardicanute,

Ibid.

Edward the Confessor,

Ibid.

Harold II.

Edgar Etheling, Son of Edward the Outlaw.

William I.

Edgar Etheling.

William II,

The Scots Line descended from Edward the Outlaw, and Rufus's Elder Brother Robert.

<i>Henry I.</i>	<i>The Scots Line and Robert.</i>
<i>Stephen,</i>	<i>Maud the Empress, Daughter of Henry I.</i>
<i>Henry II.</i>	<i>His Mother Maud the Empress.</i>
<i>Richard I.</i>	<i>Hereditary Right.</i>
<i>John,</i>	<i>His Elder Brother Jeffery's Son Arthur.</i>
<i>Henry III.</i>	<i>Elenor Sister to Arthur.</i>
<i>Edward I.</i>	<i>Hereditary Right.</i>
<i>Edward II.</i>	<i>Ibid.</i>
<i>Edward III.</i>	<i>His Father Edward I. living.</i>
<i>Richard II.</i>	<i>Hereditary Right.</i>
<i>Henry IV.</i>	<i>Richard II. living.</i>
<i>Henry V.</i>	<i>Mortimer Earl of March, Heir of York.</i>
<i>Henry VI.</i>	<i>The Heirs of York.</i>
<i>Edward IV.</i>	<i>Hereditary Right.</i>
<i>Edward V.</i>	<i>Hereditary Right.</i>
<i>Richard III.</i>	<i>The Princess Elizabeth.</i>
<i>Henry VII.</i>	<i>The Heir of York.</i>

During this Period of 450 Years there are but Six Kings of Four and Twenty that came to the Crown by *Hereditary Right*, and among these the Child *Edward V.* is included, Besides the Interruption it met with, of the whole 450 Years, the Kings that succeeded by an *Hereditary Right* reign'd but 110. Those that interrupted the *Lineal Succession* 340, and though some of those Kings, as *Henry III.* and *Edward III.* had an *Hereditary Right* before they dy'd, yet their taking the Crown without it, is sufficient to authorize our placing them in the List under the other Denomination.

It would be very easy to prove by Fact and Argument, that the Powers in Possession have been as lawfully obey'd as those that have had a Right by Descent, but I shall not trouble my self with Powers *de Facto*, and Powers *de Jure*. I have demonstrated that all Powers

Powers establish'd by a Parliamentary Authority, are as well *de Jure* as *de Facto*.

Why does he take so much Pains to make it out that Allegiance is not due to Princes in *Possession*, who have not the immediate *Divine Right* of Inheritance? We see what he means by it in his Introduction, where he attacks the *Revolution* openly, and by that commits Treason against the *Acts of Settlement*, and the very Constitution of the Government, which is founded upon it. *The Position*, says he, that King James was lawfully depriv'd, that King William and Queen Mary were lawfully put into Possession, not suiting with the Principles of many Lawyers and Divines who had constantly maintain'd, that the Deposition of a Lawful King was absolutely unlawful, by the Law of God and the Laws of this Realm. Therefore to justify the Translation of their Allegiance, the Opinion was received, That Allegiance was due to all Powers in Possession, and many eminent Members of the Church of England receiv'd it as consistent with the *Doctrine of Non-Resistance*. The Loyalty of these eminent Members of the Church to their Majesties King William and Queen Mary, shew'd the extent of their Consciences, and that the Delicacy of others in these Matters is all Grimace. He boldly asserts, that whatever was said out of History, or urg'd as Argument in favour of the Revolution, was unanswerably refuted, and the Man he names for his Refuter is Dr. Brady, whose Authority is of equal weight with his own himself, having been refuted by Tyrrell and others in every thing material, as has been whatever he says against the Authority of the States to declare the Vacancy of the Throne, and to fill it again, all which Part of his Introduction is Treasonable. There have been Times when the People of *England* complimented with their Kings as Exalted a Sovereignty, as the Assessor can wish; and with as severe Principles of *Divine Right*. But those Times have been distinguish'd by Bloody Wars, and terrible Confusions preceding them.

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The Kings that have been so complimented, have acquir'd the Crown either by Arms or by Policy, after long Opposition, and a general Joy in one Party, and a general Fright in another, have produc'd these very Loyal Effects. In our *Rolls* which strike so rudely against Liberty, the first of *Edward IV.* is a Period of this kind, and 12 *Car. II.* is the same, and these are the Statutes which he hangs upon, sinking as much as he could, every Word in our Law Books, that favours the Rights and Privileges of the Subjects, which they can no more alienate than Kings can alienate their Crowns. His Panegyrick upon *Oliver Cromwel* is an Invective against King *William*, his Insinuation being all along that he was as much and as lawful a King as his late Majesty.

We have shewn that in 450 Years time there were but 115 of them, in which the *Hereditary Right* prevail'd, and of Twenty four Kings, but six that succeeded to the Crown of *England* by that Title; and yet observe how this Assortor bullies us in his Introduction, *The Tree of Hereditary Right has been several Times cut down to the Ground, but the Stumps of the Roots in the Earth hath grown up again, and hath reach'd unto Heaven. The Kingdom hath been sure, and the Nation hath been convinc'd, that the Heavens do rule.*

This Abuse of Scripture Phrase prophesies of the Restauration of the *Pretender*, who, if ever he should come here, must bring a *French Army* and a *French Government* with him, *Popery, Slavery, Whips, Galleys, Wheels*, and all the Instruments of *Popish Tyranny*; and yet according to him *shall the Nations be convinc'd that the Heavens do rule*. God by his Providence rules the World at all Times, but he never appear'd more visibly than in the many Deliverances he has wrought for the Freedom of the People of *England*. He has with an Out-strech'd Arm humbled the Proud Tyrants, and set Just and Righteous Princes on the Throne. He not many

many Years since rescu'd us out of the Jaws of Death, and sav'd our Religion and Liberties by his Glorious Instrument King *William*. He gave us a Prince whose Arms chastis'd him that had been the Plague of Mankind, and the Nation is convinc'd, that whatever vain Hopes the Faction have conceiv'd, *the Heavens do still Rule*, and that all their Traiterous Devices shall end in their Confusion.

F I N I S.



EX 3



EX 3

